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FREE LEGISLATION FOR RAILROADS.

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A HISTORY

OF THE

RAILROAD CONFLICT

IN THE

EIGHTY-FOURTH LEGISLATURE

OF NEW JERSEY;

AND THE

OPENING OF FREE LEGISLATION FOR RAILROADS.

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COMPILED FROM AUTHENTIC DOCUMENTS.

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THE ASSOCIATION OF AMERICAN

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# THE RAILROAD CONFLICT;

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The action of the last legislature upon the railroad applications presented for their consideration, has created so much interest in the public mind, and is destined to lead to results so important to the future prosperity and welfare of the state, that it cannot be too fully spread before the people, or too earnestly pressed upon their attention. Heretofore the records of the debates and proceedings upon bills among the most important known to our legislative history, were to be sought among the files of the Senate and Assembly, in documents prepared specially for the information of members of the legislature, and in the reports published in the newspapers. It is the object of this pamphlet to present in a connected form, and as briefly as a proper understanding of the subject will permit, a narrative of the proceedings had upon the following railroad bills; viz: the Newark and Hoboken; the Hunterdon and Somerset; the Burlington and Middlesex; the Princeton and Trenton, and the Princeton and South Brunswick, and also upon a series of resolutions introduced by Mr. Wood, of Somerset, which were designed to elicit important information, and which, although not finally acted upon, are worthy the fullest consideration.

Through all the proceedings upon all these bills, the same sinister influence is visible—at one time proclaiming that the time has arrived when the “rights, privileges and franchises” of old companies are no longer to stand in the way of granting all the railroad facilities asked for by the people of any section, and at another refusing grants the most necessary and just, on the sole ground that they *may* conflict with the interests or the franchises claimed by the Camden and Amboy Company. This interest and influence is so plainly to be seen by a perusal of the proceedings, that it is almost unnecessary to do more than advert to it here. It affords the only explanation of the otherwise incomprehensible course pursued by the leading advocates of the Newark and Hoboken bill—a bill so remarkable, so unprecedented, that no influence less powerful than this could have secured its passage. With this brief introduction, let us proceed to a statement of the legislative proceedings.

The first movement for any railroad bill in which the public felt any great degree of interest, was on Wednesday, the 25th of January, when notice was given that at a future day leave would be asked to introduce an act to charter a Railroad from New Brunswick to some point in Milburn, Orange or Clinton townships, Essex county. On the 1st of February this bill was introduced and referred to the Committee on Corporations, where it remained until late in the session, when it was reported and ordered to a second reading. As this bill was kept alive, as a companion in legislation to the Hoboken bill, without ever being called up for final action, it is not necessary to occupy much space in discussing its provisions. The object of its framers was to create, through a close corporation, as an instrument of the monopolists, a road to connect the Camden and Amboy branch at New Brunswick with the Morris and Essex road at Milburn, or some point near Newark, a



project which, if it had been successful, must have deprived the State of a considerable share of its revenue. But leaving this unsuccessful measure, let us direct the reader's attention to the action upon that most important and extraordinary bill, the act to charter

### THE HOBOKEN AND NEWARK RAILROAD.

Although there had been, from an early period of the session, a report that a road from Newark to Hoboken would be asked for, by certain parties, at an early stage of the session, none but those immediately concerned had any idea of the form in which it was at length brought forward, and when, on Thursday, January 26th, Mr. Westcott, of Hudson, gave notice in the Senate, that he should ask leave to introduce a *Supplement to the act to incorporate the Hoboken Land and Improvement Company*, it attracted very little attention. This company, chartered some years previous, was authorized to improve certain lands in Hoboken, and although the charter granted very liberal powers, it gave no grant for the construction of, or connection with, any railroads. Although originally there were other stockholders; at the time when this notice was given—as at the present time—the Hoboken Land and Improvement Company was the property of one man, EDWIN A. STEVENS, Esq., of the township of Weehawken, and this bill was simply to confer the most extravagant and extraordinary powers upon this single individual.

One week after notice was given, Mr. Westcott introduced the bill, none but the privileged having been permitted to see it, and it was referred to the Committee on Corporations, and on the following day, Mr. Campbell, Chairman of the Committee, reported it without amendment, and it was ordered to be printed. Up to this time the bill had been read only by its title, as “a supplement to the Hoboken Land and Improvement Company,” and no one not in the secret, suspected the real nature and intention of this *supplement*—no one could imagine that a railroad bill of the most unprecedented character, with powers to sequester any property between Hoboken and any part of Newark, could be introduced in this surreptitious manner. The bill was reported on Friday, a day when the Senate did no business, and directly after the Senate adjourned until Monday afternoon.

On the following Monday evening or Tuesday morning, a rumor of the real object of the bill had leaked out, and parties interested endeavored to obtain a copy, that they might examine it before it came up in the Senate on a second reading, the only time when amendments could be made. But here they learned more of the clandestine tactics of the framers of this *supplement*. The printer to the Senate and the officers of that body were applied to in vain. To every request for a copy of the bill, or for the privilege of reading it, the reply was that they had received orders not to let a copy pass out of their hands until it came before the Senate, except on the order of the applicants for the bill! Thus up to the hour when the bill came up on a second reading, the public were left to infer that the supplement was intended to confer power to open streets, erect a dock, purchase more land, or for some other private or local purpose in accordance with the nature and objects of the original charter, and in which no one was interested save the citizens of Hoboken. Thus cunningly did the applicants deprive the public and those whose property was injured and rights menaced by this bill, of all opportunity to urge their objections to it, and to show to Senators the reasons why it should not be passed, at least without radical amendment. If the bill was just and reasonable, would it have been brought forward in this unusual, concealed and suspicious manner?



On Wednesday morning, after the Senate had disposed of the preliminary business, and reached, in the order of business, bills on a second reading, this *supplement* made its appearance in a printed form; but even then no more copies were shown than the rules made absolutely necessary—one copy for each Senator—and, still preserving all the secrecy possible, the bill was passed through a second reading, without amendment, and without debate. Those who have been present at the reading of a bill on such occasions know that it is not possible to understand its real meaning, by reason of the rapidity with which the sections are read by the Assistant Secretary, and that Senators and others must rely solely upon the printed bills for a knowledge of their contents and meaning. This bill—the most important of the session—was, in the manner already stated, ordered to a third reading before either the public or even the Senators could know its intent or the effect of its provisions. And this is the method almost always pursued by the managers of the Camden and Amboy Company when they wish to accomplish objects justly obnoxious to public censure!

At last the provisions of the *supplement* were known. A few copies of the bill were obtained, and the public became aware of the nature of an act which had been rushed through the Senate with such indecent haste. The following, in which the material sections are given in full, will show the reader the reasons which actuated its framers in keeping it concealed from the public eye.

The title of the bill was “*A Supplement to ‘An Act to incorporate the Hoboken Land and Improvement Company.’*”

The first section authorises the corporation to build a railroad from Hoboken to some point or points in Newark, with spurs or branches to and into said cities and Weehawken township, at such point or points as they may deem advantageous, convenient or proper, with power to erect bridges over the Hackensack and Passaic rivers, and to acquire by contract with persons or corporations, or if that is not accomplished, to take and appropriate such lands, and take and appropriate such and so much of all rights, privileges, franchises, property, bridges and viaducts, or such parts thereof as may be necessary, first making compensation therefor. The remainder of the section relates to the construction and running of said road, cars, &c.

Sec. 2 provides that after the route is surveyed and the location and survey deposited in the office of the Secretary of State, the Company shall be allowed to use and occupy such lands, bridges, franchises, &c., as they may acquire or take, first making compensation, and complete the road.

Sec. 3. If the railroad shall cross any lands, bridges, or any part thereof, and shall fail to agree with the owner as to price, &c., then commissioners shall be appointed to assess the value of such lands, bridges, or other property, and assess the damages—their decision to be recorded in the office of the Clerk of the County, and to be evidence of the right of the Company to use and occupy the same.

Sec. 4. If either party is not satisfied with the award of the commissioners, then the party aggrieved may appeal.

Sec. 5 and 6 provides that in case the Company shall fail to agree with the person or corporation owning such right, privilege or franchise, the use or appropriation of which shall be necessary to carry out the objects of this act, then commissioners shall be appointed, with the same right of appeal as in the preceding sections, in regard to lands, bridges, &c.

Sec. 7. The company to keep their road and branches in repair, and to have ways with sixty-five feet opening in their bridges, with proper attendance, light, &c.

Sec. 8 authorizes the company to run their engines and cars over any railroad in this state that is a public highway, and transport freight and passengers over the same, paying not more than the rate authorized by law, and so much of the railroad and tunnel of the Long Dock Company as this company has contracted for shall be part of their road; and said contract is made valid.

Sec. 9. It shall be lawful for said company at any time during the continuance



of its charter, to make contracts and engagements with any other corporations, or with individuals, for transporting or conveying any kinds of goods, produce or merchandise, freight or passengers, and to enforce the fulfillment of such contracts, and said company may, on such terms, conditions, stipulations, and on such considerations as they shall deem expedient, demise for such term of years as they shall deem expedient, or transfer, sell and dispose of absolutely, all or any part of the franchises, powers, and privileges by this act granted, and all or any part of said railroad, its spurs and branches, and all or any part of its land, franchises and property, to be acquired under and by virtue of this act, either by contract or by proceeding to take the same, and any part of its rolling stock, to any other railroad company, and that the said railroad may be continued, joined and consolidated with said other railroad with its property.

Sec. 10. Increases stock \$1,000,000, and such stock may be consolidated with or kept separate from other stock of the company.

Sec. 11. Provides that certain state officers shall pass free.

Sec. 10. The road to be commenced within three and completed within ten years.

Sec. 13. Whenever the corporation shall divide seven per cent. net profit, then it shall pay to the state a tax of one-half of one per cent. on the cost of the road.

Such an outrage upon the rights of the people, property of other companies, and upon the faith of the state, could not be rushed through in the manner devised by its projectors. As soon as its provisions became known a general outburst of indignation convinced the Senators that they had misjudged the public sentiment in forcing through so important a measure, with scarcely the form of consideration or deliberation. When the Senate met for the afternoon session on the same day, Mr. Hendrickson, of Monmouth, moved to reconsider the vote by which the bill was ordered to a third reading, in order to give its advocates, as well as its opponents, an opportunity to be heard upon it before the Committee on Corporations. Mr. Westcott—the introducer of the bill—opposed this motion, giving as his sole reason, that the parties could be heard in the Assembly, *after the bill had passed the Senate!* The motion, however, was agreed to, by the following vote:

AYES—Brown, Buckley, Cook, Hendrickson, Morris, Mowry, Norcross, Perry, Stratton—9.

NAYS—Everett, Gifford, Riley, Roberts, Westcott—5.

On motion of Mr. Hendrickson, the bill was then recommitted, by a vote of 9 to 6.

In accordance with this arrangement, the Senate Committee on Corporations met in the Senate chamber at a little after 3 o'clock on that afternoon, and both Houses having adjourned, nearly all the members of the Assembly as well as of the Senate, were present. For the applicants appeared Messrs. Mercer Beasley and R. Gilchrist, Jr., and for the opponents Messrs. John P. Jackson and A. O. Zabriskie.

Mr. BEASLEY, who opened the discussion, said that he had petitions signed by several hundred persons connected with the business interests of Newark, asking for the passage of this bill, in order to give them increased facilities of communication with New York. It was not necessary to dwell upon this aspect of the question, the petitioners showed that it was one that they considered of vital interest. Newark and New York had long ago entered into a commercial partnership—Newark as the place of manufacture and New York as the depot for sales. The signers of these petitions belong to that class thus interested in frequent and easy communication with New York. They felt that the legislature had been kind to them in granting several acts for this purpose, but unfortunately these acts could not all be carried into effect. Before railroads were built Newark had two roads leading to New York, and now, in this day of improved travelling facilities, she should have more accommodations extended to her.

The people of Newark (Mr. B. said) feel that their commercial interests are involved in having a landing in the neighborhood of Canal street, in New York.



The terminus of the New Jersey railroad at the foot of Courtlandt street is now inconvenient, business having extended up town and centreing about Canal street, where some of the boats of the Hoboken ferry land their passengers. The charter of the New Jersey railroad provides that they may construct a branch from the Hackensack river to Hoboken; and in case of the failure of that company to do so, then the Hoboken Ferry Company have the right to construct such branch. In 1837, the Hoboken Ferry Company made some preparations for building this branch. The reason why they did not proceed with the work is because they were bought off by the New Jersey Company. They entered into a contract with that company by which they received a consideration, and they let the matter rest as it was. The citizens of Newark had a right to complain of this. Charters are granted for the public good—not for individual benefit; but the Hoboken Ferry Company entered into a contract for a consideration, with the New Jersey Company, not to build the road. Mr. B. denounced this contract, as detrimental to the interests of the citizens of Newark and Hoboken. This contract did not expire until 1859, during all which time the rights of the citizens of Newark were thus trampled upon. Is it any wonder then that they now come here and ask for this charter? When the contract between the two companies expired, but a few months ago, (the New Jersey Company, immediately upon three months' notice, concluded it finally,) the citizens of Newark then supposed that the branch would be built, but the New Jersey Company would only grant the Hoboken Company the privilege of transporting passengers over their road at a rate which would prevent them from carrying out the provisions of their charter. We have the correspondence upon this subject and will submit it to the committee, to show this.

The New Jersey Company wish to confine all the business of Newark to their own line. In 1857, when the Morris and Essex Company were authorized to extend their road to the Hudson, they in effect vetoed the measure, by making a new contract, and thus prevented or deferred the building of the extension. Mr. Beasley then argued against the exclusive privilege of the bridge proprietors to bridge the Passaic and Hackensack, contending that it was not a legal monopoly; the legislature could have given a monopoly had they been a mind to do so, but there was no evidence that they had done so. The New Jersey Railroad Company is now in possession of the bridges, and if they have a monopoly, as they claim to have, that privilege cannot be taken from them unless they are paid for it. There is full provision in this bill for damages in such a case, and he had yet to learn that franchises were more sacred than any other kind of property.

#### MR. JACKSON'S SPEECH.

Mr. J. P. Jackson was the next speaker. He commenced by remarking that he felt thankful to the gentleman on the other side for his opening speech. He has removed a seal from my lips, and I now feel at liberty to make public the terms of a most extraordinary contract. It is now said the New Jersey Railroad Company made this contract to buy Hoboken to keep Newark from having a road from that place. This admits that the Hoboken proprietor is capable of being bought. The fact is, the contract was negotiated by Robert Schuyler with the applicant for this bill—then and now the proprietor of the Hoboken Land Improvement Company and Ferry—to pay from \$15,000 to \$20,000 per annum to conciliate the granting of just facilities to another company, which were withheld by the power of the said Hoboken Company.

It was nevertheless a nefarious contract. Still it was faithfully observed on our part. I have ever abided by contracts, and shall continue to abide by them; but I deplore the necessity which they impose, whether made by the State or companies, when they compel propitiation of a monopoly. But the proprietor of this land company, to whom this money was paid (from 1843 annually,) received in the whole the enormous sum of upwards of \$270,000, before the contract was terminated. This was paid by the terms of the contract as a consideration that the proprietors of the Hoboken Land and Ferry Company should not be engaged in, or advise, or consent, or in any way favor or abet, any project to build a branch or other road between Newark and Hoboken. This company received this large sum, and at the same time were engaged in endeavoring to procure the Morris and Essex Railroad extension. Therefore the contract was being violated while the money was still received. For this cause the contract was terminated, and these facts can now be placed before the public, thanks to the gentleman for opening the way. The era has now arrived when these and other matters can be freely developed.



The gentleman speaks of petitions for the passage of this *present* bill. Why, I appeal to any gentleman here if it has been possible to get a sight of it, without robbing the members. An order was given the printer, by an agent of the applicant, that no one must have a copy. The powers it conveys are alarming. No acts of usurpation in the history of the most despotic governments, in the sphere they are to operate, can be compared to those proposed to be effected by this bill. I blame no member of the Senate for the clandestine course of the applicants, with this alarming bill. I honor them for their promptitude in recommitting it for examination, and in order to allow its opponents to be heard. The existence of this bill is unknown to our citizens. It is only by stratagem that a copy of it could be obtained before Tuesday morning, when it was laid on the tables of the members, and ordered to a third reading the same morning; and now no copy can be procured, except from the members giving their private copies, when it is usual to print an extra number for the benefit of parties who may feel an interest in it. The concealment and the clandestine manner in which this bill has been put forward, is of itself sufficient to show that it will not bear the light of investigation, and should induce this committee to consider well before they consent to report it favorably to the Senate.

Mr. J. again thanked the gentleman, who preceded him, for opening the way for the publication of the correspondence he referred to. The gentleman has made a number of errors in his statement, but I exonerate him from all wrong in the matter. He receives his views by imputation from others. He resides remotely from the place, and makes wide mistakes in several particulars. It has been said that we have bought off the Morris and Essex Railroad Company from their extension. This is not true. We have entered into no contract whatever with them since their extension bill passed the legislature in 1857. In 1853 we made a ten year contract with them, but none has since been made. I say this boldly, and defy the production of any such contract, or any semblance of such contract as has been alluded to. There is no such barrier to the construction of the Morris and Essex extension as has been charged; namely, in being required to pass far above or below the Jersey road. Mr. J. then read from the charter, explained the point alluded to, and proceeded to show that the New Jersey road had ever acted honorably with the Morris and Essex, when it at an expense of some \$300,000, constructed the branch road and bridge for the accommodation of the Morris and Essex road. They were to contract with us in perpetuity, but they withdrew from the arrangement, and reduced the time to ten years. It is true, therefore, that while this contract is in force, the Morris and Essex Company cannot patronize this new road, nor any other—which is yet nearly four years.

Why so lavish of your charters to one individual? He has the Morris and Essex extension charter already; let the citizens of Newark and Hoboken have charters for roads where they need them. We will not be found opposing them. If these roads are to be profitable, let the people have the benefit of them. Let them have all they want, so long as their grants do not interfere with vested rights. Let us not be bound up with any monopolies. Let the gentleman come forward and make a fair bill and there will be no objection to it. A bill of enormities like this should never be entertained by the representatives of a free people.

The New Jersey Railroad Company have been compelled to pay \$150,000 for privileges which are threatened to be taken away in one fell swoop. It has been said by the President of the Camden and Amboy Road, in answer to the argument of the late Mr. Brown, of Burlington, in favor of the "Air-line road," that the doctrine that franchises can be taken away by assessment, is the doctrine of a highway robber. If this is true—and if it is also true that the receiver is as bad as the thief, then the owners of monopolies, who obtain by assessment the franchises of others, are highway robbers. I cannot go into full narrative of the facts in the limited time that I shall occupy, but there is a free press through which they can be communicated, and through which they will be.

I do not hesitate to say that there are people who are in favor of a rival road from Newark to New York; give them if you please a direct charter, and no complaints will be made, provided other sections of the state are treated in the same manner. Give us perfect freedom all over the state; and wherever the interests of the people demand a road, let them have it. Let there be entirely free legislation for railroads. But I charge this bill to be a bill to coerce the consolidation of the railroad interests of the state! I will never continue to be an officer in any road that contributes its capital to unite in subjugating the people.



Mr. J. proceeded to review the bill—

I. This bill claims in its first section to provide for a railroad to be conferred on the Hoboken Land and Improvement Company. A railroad from Hoboken to Newark is certainly a legitimate object, and any bill for that object can properly be entertained by the legislature. But why give it to a single individual, who is said to be the entire owner of the immense property and privileges of the Hoboken Land and Improvement Company? Why not make it an open charter, and allow all the citizens of Hoboken, Newark, and other parts of New Jersey to participate in it, as it is obviously a most valuable grant? Particularly should the people have such a charter, if another is thought proper to be granted, as the individual owner of the Hoboken Land and Improvement Company already has one complete charter of very large powers, namely, the Morris and Essex Railroad Extension from Newark to the Hudson River. But let the legislature act on as many applications for roads between Hoboken and Newark, or any other part of the state as they choose—only let them define the place of crossing rivers, and have such provisions as former legislatures have adopted.

II. This bill, however, confers most enormous powers on a Land Company, already possessing, by its act of incorporation and various supplements, very extraordinary powers.

What are its prominent features?

1. No one can read this bill without being forcibly struck with its extraordinary and alarming character. It first confers a roving power "to construct a railroad from Hoboken to any point or points in the city of Newark, with spurs and branches to any part of both Newark and Hoboken and Weehawken township, and to place engines and cars on such railroad, its spurs and branches." Thus subjecting any street, or portion of those places, to be traversed with engines, and, of course, superseding all use by horse railroads.

2. It has an equally roving power to cross the Hackensack and Passaic rivers. No place is fixed with reference to other bridges, no regard paid to the convenience of navigation, about which there is always so much public concern. For the power given to cross those rivers at any place, the only termination being in Newark, which extends several miles along the Passaic river, from the township of Belleville, one or two miles above the Morris and Essex Railroad station, to Bound Brook, on Newark Bay, several miles below the Plank Road bridge. The proposed railroad bridge may cross at any place between.

3. But the great fundamental objection to this bill is that it empowers the Hoboken Land Company to contract for consolidation, and if they are not able to make a satisfactory bargain, it coerces consolidation, by providing a way by which the Hoboken Land and Improvement Company can possess themselves "of all rights, privileges, franchises, property and bridges, or viaducts, stations and terminations, such parts thereof as may be necessary for their objects and purposes," between Hoboken and Newark, including all such like property in any part of those cities and Weehawken township.

This is the most awful feature of the bill, and this policy and design recurs through all its sections, and thus the state parts with her sovereignty, or at least surrenders her right of legislation as to all railroads, and bridges, viaducts and all her franchises or property between Newark and Hoboken, and in those cities and the township of Weehawken.

III. This surpasses all grants of sovereign rights ever made or usurped in any country, even under despotic governments. It far transcends any exercise of legislative power in New Jersey, and is utterly opposed to the genius and institutions of a free people.

Former monopolies were granted on the pretence at least of encouraging undertakings for public benefit and of doubtful profit, such as exclusive rights to bridge companies to cross our principal rivers, and perhaps to a pioneer project, such as claimed by the Camden and Amboy Railroad Company. But in all cases they were to encourage works where they had no existence before.

By this bill, an extended landed estate, of dimensions embracing nearly a whole city, with a large and productive ferry, and the wealthy township of Weehawken, with these immense concentrations of capital, is to have the power to monopolise and consolidate into its own property any and all the various highways, bridges, viaducts, railroads, stations, terminations, franchises, property and privileges now in existence, and useful to the public, by contract if consented to, and if not yielded, then, by the forcible and tyrannical power of condemnation by assessment through commissioners. Surely Newark should have part of this consolidation!



Section 9th confers most enormous powers, unparalleled in legislation. It not only allows all contracts and consolidation with other corporations, while the same measure last year, of leasing the Morris and Essex Railroad to the New Jersey Railroad Company, moved these applicants and their friends with such intense horror, as an alarming consolidation: but by this section, the proprietors of the Hoboken Land and Improvement Company, the owner of this Morris and Essex Extension, and the lessee of the Morris and Essex Road, and the President and largest stockholder of the Camden and Amboy Company, cannot only consolidate the New Jersey Road to Newark, with all the bridges, franchises, and property of any corporation between Bergen Hill and Newark, but he is "empowered to sell all these bridges, highways, franchises, &c., acquired by this act, either by contract or assessment, to any other company or party."

That is, the proprietor of the Hoboken Land and Improvement Company can obtain and sell to the Camden and Amboy Railroad Company a very material part of the New Jersey Road, and divert it to the Hoboken Ferry.

This is plainly the great monopolising policy. For while the grand and grasping scheme of consolidating all roads in New Jersey was pressed on the Central Road, and the New Jersey Railroad, to include the Morris and Essex Road, and the Camden and Amboy Road and its various tributary roads, in one giant monopoly, by the President and largest stockholder of the Camden and Amboy Road, he as proprietor of the Hoboken Land and Improvement Company, was carrying on the correspondence with the New Jersey Company introduced here by his counsel, in reference to the use of the New Jersey Road, between Bergen and Newark. The coincidence of a correspondence for like, though more extended purposes, by the Camden and Amboy Railroad Company, a part of which I will submit, establishes the companionship and community of interest of those great parties. I therefore read the conclusion of a remarkable letter from the "Joint Companies" to the New Jersey Railroad and Transportation Company:

"We respectfully request you to name the terms upon which you will lease to us the rights, privileges, franchises, and property of the New Jersey Railroad and Transportation Company for a term of years.

"Also, we respectfully request you to say upon what terms you will sell all your rights, privileges, franchises, and property to us, that we may be enabled to accommodate the public better.

"And we respectfully request your Board to fix the rates of Toll which they will charge us for transporting passengers and freight between Newark and New York.

"With high consideration we remain respectfully your friends.

"By order of the Joint Board,

JAMES PARKER, Chairman."

Now what can be more palpable evidence that a community of interest exists between the large and absorbing Hoboken and Camden and Amboy Companies, than these simultaneous propositions and correspondence? And when by section 10th, this power to sell the New Jersey Railroad is to be continued, and suspended over them for ten years, unless they consolidate, which period is a little more than a year beyond the duration of the monopoly privilege of the Camden and Amboy Railroad and also of the contract between the Camden and Amboy and New Jersey Railroad Companies, this fact becomes still more palpable. The contemporaneous period for the consummation of these great events discloses their united design.

This ten year privilege should be abridged, and the deed compelled to be done at once, that posterity may not be shocked by the creation hereafter of a vast despotic monied monopoly, authorized by their fathers.

Mr. Jackson was here reminded by Mr. Gilchrist, that his half hour had expired. He then concluded, by permission of the committee, as follows:

The legislature should beware, lest, by the passage of this bill, they should bring about the grand consolidation, which every disinterested freeman could only regard with horror. For however reluctant the New Jersey Railroad Company might be (from its annihilation of all free popular government in New Jersey,) to unite in this general consolidation; yet if the legislature of the state should deliberately declare in favor of this policy, they may not deem it their duty to resist; for no one can doubt that it would greatly advance their stock, and increase, in conjunction with other great interests, their power over the people and the legislature. With such justification and such temptations, it might not be regarded as weakness or wickedness for them to join a monied consolidation, co-extensive with, and the controlling power of New Jersey.



## MR. ZABRISKIE'S SPEECH.

I appear before you on behalf of the New Jersey Railroad Company, and of the Bridge Company, to oppose the passage of this bill. I am not instructed to oppose it on the ground that it is contrary to the policy, adopted for so many years in this state, of not chartering mere competing roads, so ruinous to all concerned. The wealthy Hoboken company will not feel the loss if it sinks the whole million of capital embarked; the richer stockholders of the New Jersey Railroad can stand it without suffering or bankruptcy, and the numerous small stockholders, scattered through almost every county in the State, men of moderate means, widows and orphans, will be the victims. They and their friends have votes and can be heard at the polls more effectually than through counsel employed by the corporation.

I do not oppose it on the ground that the New Jersey Railroad has carried more than thirty millions of passengers safely, without loss of life or limb to one; or that they run their trains more frequently, with more regularity and speed than any other, and at as low fares, and are capable of accommodating twice the travel now called for; nor that this bill will place the control of part, if not the whole travel from Newark to New York in the hands of one whose railroad policy is known and widely characterized as more costly, more selfish, and less accommodating to the public than any other. But I am instructed to oppose this act on the ground that it is a breach of the faith of the state, solemnly pledged and repeatedly recognized, and because its provisions are unjust, impolitic, and will endanger the lives of all that pass on either road.

They violate the faith of the state pledged in the 15th section of the act of 1790, authorizing the construction of the bridges, which says expressly that no bridges shall be erected within these limits. It is said that this stipulation is not contained in the contract or lease made by the commissioners—yet when the twelfth section provides that the contract, when signed, shall be as binding on the State, as if it and every part of it had been set forth in the law, and makes the law and contract one engagement, can any man of common sense, or common honesty doubt the intention of those who made or accepted this pledge? You will leave it to others to see whether they cannot, by some nice reasoning, or quibble of legal construction, give this contract an effect differing from that plainly conveyed by its terms.

When the railroad was authorized, the state, who alone could authorize another bridge, fully and justly recognized this contract and only authorized the railroad bridges by consent or purchase—and for this the railroad paid largely. No act since passed, until the one now proposed, ignores or omits mention of this contract.

This act in its first section authorizes unconditionally its breach, by authorizing the erection of bridges necessarily within its limits.

We are answered that the promise and faith of the state is but property, and can be violated and taken away by the power of eminent domain, and this act provides in its fifth and sixth sections that the rights, privileges and franchises of any other corporation (with the lawyer's protestation, 'if any exist,' as if fearing this might admit too much,) may be taken on compensation. I admit that there are decisions of the courts that rights and franchises granted by legislation may thus be taken back again, and one that even a promise may so be broken. It may seem strange that this can be so under a constitution that provides that private property may be taken for public use upon adequate compensation, and forbids the passage of any law impairing the obligation of a contract absolutely, without reference to a compensation.

We will leave the question, whether contracts may by law be violated or evaded in this or any other way, to be settled by courts and lawyers, and will submit to you whether you are willing thus to commit a palpable violation, to tell us plainly that you will not keep your word, but you will leave it to men appointed by yourselves, by your own judges and officers, to say what shall be paid for compensation. If one, on his daughter's marriage, should promise her husband to give her a farm worth \$5,000, would it be thought good faith to give a pair of horses instead of it, and say, I left it to my wife and she thought the old greys were better for you than the farm? Or suppose I borrow from you \$500 on the solemn pledge that I will return it to you next Monday, as then it would be vitally important to you, would it be honest when Monday came that I should coolly tell you I would not pay you—I had lent it to Mr. Stevens, who wanted it very much, but I would pay you interest at the rate of six per cent., which is the compensation the law allows when the promise to pay money is broken. Would you feel satisfied with this reasoning when ruined in character and business by being unable to keep your engagements because I had violated mine?



Take the great contract or promise on which the public mind is now fixed more than on any other: that contained in the Constitution of the United States, a compact entered into in 1789, just one year before this—the promise to surrender fugitive slaves. All parties, Democrats, Whigs, and even the most thorough Republicans, all except a few, very few fanatics, ultra Abolitionists, agree that this promise should and must be kept, however repulsive to their feelings and principles, and although they would never enter into the like again.

Would this promise be kept by a provision like that in the law, providing compensation for its violation? enacting that the property in the slave should be taken by the state into which he had escaped, for the great public use of extending human freedom upon payment of a price fixed by a jury? What would be the price fixed by a Boston or Rochester jury of anti-slavery men? Could they value such property as they believe cannot rightly exist, at more than six cents. This is a way of annulling and evading this provision of the Federal Constitution, that the most ultra and outrageous fanatics and abolitionists have not been yet willing to adopt; they would scorn it as too vile and unprincipled. And yet it is precisely the plan you are asked to adopt to evade and avoid this contract. Would a jury of citizens clamorous for competing roads, and against all exclusive rights, value the franchise so hateful to them, at a greater sum than a Rochester jury would the right to a slave. Such keeping faith is a mockery.

But without regard to any violation of contract, this act in its chief provisions and features is unjust, impolitic, unprecedented, and fraught with damages to the travelling public. It authorizes the taking of our road, or bridges, or any parts or portions of either. Hoboken can select and take one of our bridges, and pay for it, and have the rest of our road disjointed, disconnected and useless, like a body with a small through section at the heart cut out, leaving the chest, head and arms at one end, and the body and legs at the other to the original owner. It is a policy never before adopted, to allow a new enterprise to seize on and appropriate the selected portions of its rival's works, used and needed for their established business. If such injuries and outrages are intended to compel the surrender of a contract, that you cannot or dare not directly violate, is it not more odious and oppressive than the breach itself, and alone?

Another provision for a scheme of evading this contract is, that in the eighth section of this bill, which will authorize them at their pleasure, to use either of our bridges as part of their road without our consent, and not subject to our regulations; by force to cut the rails at each end with a cold chisel, and make their own connection. And as compensation to pay the toll per passenger at the same rate per mile as the rate allowed on the whole road.

The cost of the whole road is about \$100,000 per mile, the bridge over the Hackensack with the franchise has cost at least \$120,000, it is less than a sixth of a mile, and its cost is at the rate of \$750,000 per mile, and for this, seven fold in cost, we are asked to take the rate of toll, less than half a cent per passenger, fixed as the fair average on the whole road. It is like taking six inches square out of the back of a coat worth thirty-five dollars at the fair proportional value of the cloth, or twenty-five cents. Is this, gentlemen of the committee, your standard for justice?

But beside the injustice, and impolitic and unprecedented example of this legislation; both these plans involve a far more important consideration—great danger and peril to the lives of the thousands that pass over this bridge daily. Railroad trains from their velocity and power are the most dangerous instruments wielded by man; their use requires more caution and providence; and nowhere is the danger greater than at bridges over deep streams, especially at draw bridges. Yet here on this bridge, over which the New Jersey Company now run seventy trains daily, that may be doubled in the ten years allowed for the building of this road, you are asked to allow another road to cut its connection, and run any number of trains, subject to no consent or regulation. Rival trains with their competing drivers, each urged to outstrip the other, rushing over this ground common to each, must surely, by the doctrine of chances, in the course of a short time meet with some collision. A plunge in the deep waters of that river is death. Its result might be described almost in the words that depict the equally reckless but heroic charge at Balaklava—

Down, down  
In the valley of death,  
Rode the six hundred;  
But from it rode back  
Not, not the six hundred.



And through this pass will be the only access to New York by either railroad for the thousands that go daily from Newark.

Can you, in the face of the disasters of Norwalk, Burlington and Tarrytown, where the bride was crushed on the morning of her bridal day, coolly and deliberately enact and authorize a plan of travel like this, that not only may but must, with moral certainty result in like or worse disasters. We vent our indignation against, and clamor for the punishment—almost for the blood—of an obscure engineer, if, after years of unremitting diligence, and unwavering attention by day and by night, a single moment of remissness, confusion or inattention, causes injury to life or limb in a danger that he shares with all.

Yet what is this compared with what is asked of you, that four score legislators, intelligent men, in safety, coolly and deliberately, and advised of the consequence, shall sanction a plan like this.

If any, with the gore and blood and mangled limbs from the disaster at Burlington almost as yet upon the rails and track, and the moan of the dying and the wails and sobs of families made desolate, still sounding in their ears, are willing to take the risk of like disaster, we ask you to save us from sharing in it.

There are other objections to this bill, which violates in many things the usual and settled policy of legislation. It does not grant the right to such citizens as may choose to subscribe to the stock, and embark in the enterprise, but to a large landed corporation controlled by one man.

It has not the usual clause authorizing alteration, amendment or repeal. The general corporation act, if it could apply where it is not specified, only annexes it to a charter of incorporation granted by the legislature, not to an act only granting other rights and franchises as this is; this is not a charter of incorporation. The people or their representatives may think the act unjust, and wrong and dangerous, yet they cannot alter it. The time given is fourteen years. This company can hover like a vulture over the space from Newark to Hoboken, and pounce upon and seize any improvement made or projected by any other person or company. Who will be so bold as to make any?

It can seize and take away from the owners, besides the land required for the track, five acres of land at the end of each of the unlimited number of branches authorized in Newark, and wherever along their line they choose to make a depot.

You have been told that the New Jersey Railroad by the sixth section of their charter were bound, and undertook to build a branch to Hoboken. Read the section. It only gives them power to build it, with like power to the owners of the ferry to build it if they choose. Neither are bound or have promised to build it; this was a power introduced at the request of Hoboken, and for their advantage; by virtue of it they made an arrangement from which they have realized \$270,000 or doing nothing.

That section called upon no one to give equal facilities to the Hoboken or any other Ferry, but simply provides that in case the road did not cross the Hackensack river within one hundred yards of the bridge (and which has not occurred), the branch might intersect the line at such point as was best calculated to give the ferries equal facilities of communication with Newark.

We are charged with making a bargain by which the building of the Morris and Essex extension was stifled. We have made no such contract; negotiations were made by that company who went about for the best terms; we thought that our offer was accepted, but Hoboken outbid us; then a bargain was made by which that extension act was transferred to, and was swallowed up by the Hoboken Company. That is the grave where the extension act, if dead, lies buried.

#### MR. GILCHRIST'S REMARKS.

Mr. R. Gilchrist, Jr., closed the argument in favor of the bill. He said he understood it to be conceded that a rival road from Newark to Hoboken is necessary, and he would therefore pass over that part of his brief, and devote himself to a mere consideration of the equities. In 1832, he said, when the New Jersey road was chartered, the Hoboken Ferry was the great ferry to New York; the road proposed to connect New Brunswick with New York; application was made to give equal advantages to the two ferries, so that the people of Newark could have the advantage of both; this is the nefarious and atrocious provision talked about.

They refuse the facilities we ask, and now we say give us an independent road, Mr. Stevens had made three propositions to the New Jersey Company to build the



road and divide the profits. They refuse to perform a contract which they admit is just, and get over it by objecting to the terms of this bill. As to the rights of the bridge companies, he contended that they and all monopoly rights can be taken for public use, on the ground that public necessity knows no law. Decisions to this effect had been made in every state where similar questions had arisen.

Mr. G. recited briefly the history of the bridges and the rights of owners, which was merely a lease for ninety-nine years, with the right to take tolls. If they now refuse to build a bridge for a new road, which is admitted to be necessary, then we may do it. He said he was instructed that the proposition to consolidate the railway interests, instead of coming from the Camden and Amboy Company, came from Mr. Jackson himself, and though he calls this an atrocious bill, he was here last year asking to allow every railroad company to do the same thing.

We do not ask to connect with the Camden and Amboy road, but merely to go to Newark; we are not allowed to take any other property nor rights than are necessary for that purpose. The New Jersey road is a public highway, and we can go on now without this bill.

After answering other points, Mr. G. said they had been attempting to get this road for twenty-eight years past, but the New Jersey Company had always got ahead of them and prevented it. They always say, Oh yes, there ought to be another road, but this bill is one of abomination!

Mr. Zabriskie remarked that they did not admit the necessity of another road, but they did not object to the usual charter for one in this case.

Mr. Jackson denied ever having made any proposition to consolidate with the Camden and Amboy Company.

No further action was had upon the bill until the 14th inst. The Senate adjourned for the week on the morning after the argument before the Committee on Corporations, and did not meet until the following Monday afternoon—the bill still remaining in the hands of the committee. On Tuesday morning, Mr. Campbell, of Somerset, presented a memorial from the New Jersey Railroad Company, against the passage of the *supplement*, which was laid before the Senate; as follows:—

#### MEMORIAL

*Of the New Jersey Railroad and Transportation Company against the further supplement of the Hoboken Land and Improvement Company, to purchase or lease, by assessment, the property and franchises of the former or other Companies between Hoboken and Newark, for the purpose of giving the Hoboken Land and Improvement Company power to make a Railroad.*

TO THE SENATE AND GENERAL ASSEMBLY OF THE STATE OF NEW JERSEY:

The memorial of the New Jersey Railroad and Transportation Company respectfully represents that the Supplement to the Act to incorporate the Hoboken Land and Improvement Company, enabling them to construct a railroad from Hoboken to the city of Newark, now pending before you, is, as your memorialists conceive injurious and oppressive towards them, and that its enactment, with its present provisions, would be a palpable violation of the first principles of right and justice and of wise, fair and enlightened legislation.

Your memorialists do not urge before you the continuance of the policy long pursued and established in New Jersey, of not granting rival roads, for the mere purpose of competing for the same business, when not required to give facilities to portions of the community before deprived of them; they find that many who have heretofore with them advocated that policy have abandoned it, and they do not intend to stand almost alone sustaining it.

But your memorialists would urge upon you the propriety and duty of preserving the public faith of the state, solemnly pledged to the Bridge Company, and not hitherto broken, not to permit bridges within their specified limits; and they would urge this without regard to the questions whether that pledge plainly given and repeatedly recognized, is legally binding; or whether it can be constitutionally evaded and nullified without any means of redress. Repudiation has been practised by a few of our sister states; it was without redress, but not without great disgrace and bitter repentance. Those who now solicit your violation of the public faith of the state, have for years in the loudest tones and strongest words



denounced the slightest approach to the breach of an engagement, expressed in the words of the Bridge Act, and far more extensive and burdensome in its operations.

And your memorialists conceive, that if the breach of public faith, either by a plain repudiation of a pledge, or by avoiding it through the contrivance of condemnation in the exercise of the great power of eminent domain, is ever to be justified, it can only be by that public necessity which knows no law, and by demands that cannot be satisfied by any other means.

And they submit to you that this road is required by no such public necessity, and will in fact give no new accommodations, or facilities, to any part of the community not now supplied with the same, but is only required for the profit of the owners of a ferry, who are not the public.

Your memorialists submit and insist, that they have furnished and do furnish to the citizens of Newark, for whom alone any public necessity exists, the means of communication with the city of New York, as fully as they can have by the proposed road—except access by ferry to the upper part of New York, which your memorialists are now engaged in establishing, and will have actually running before the proposed road can be finished.

Your memorialists represent without a fear of refutation, that they have conducted their road with greater safety to the lives of their passengers than any in the world; that they run from the city of Newark more trains daily, with greater speed and regularity, and at hours better adapted to the public convenience, than any railroad on this continent; from four depots scattered over the city of Newark, and with commutation lower, and fares as low, as the average of railroads, over a road costing far more and with ferry accommodations equal to any in the world. And they can with their present road and its double track safely and conveniently run four times the present number of trains, and carry ten times the number of passengers.

And they most respectfully insist that there is no public necessity of any kind for the new road, much less such as will require or justify the direct or indirect breach of public faith.

And your memorialists further represent that while the sixth section of their charter authorizes them to make a branch of their road to any ferry on the Hudson, it did not either expressly or impliedly require them to do so, nor was such the intention of that grant of power. On the contrary, it provided that they might omit it, by giving the owner of such ferry the right to make it, if they did not choose to do it.

And they represent that this proviso was not introduced by or for the citizens of Newark, but by and for the owners of the Hoboken ferry, who acutely foresaw that they gave a power from which they might be largely benefitted.

And your memorialists further show, that the then managers of their road—knowing that this proviso was introduced by the power of the owners of the Hoboken ferry and for their own benefit, and not for that of the public; and that they, the said owners of Hoboken ferry, allowed it to remain unexecuted, from 1832 to 1845,—submitted to an onerous arrangement proposed by the Hoboken Company with the assurance of obtaining less unfavorable terms from the Camden and Amboy Railroad Company, and which object was attained by a simultaneous contract with that company.

By this arrangement, from \$16,000 to \$20,000 per annum for about sixteen years have been paid to the Hoboken Land and Improvement Company, either out of the funds derived from the traveling public, or from their own capital—\$278,335 68 in the whole;—amounting at this day, with interest thereon, to more than \$425,000, and this without anything being done or sacrificed for the public by that company. It was not until your memorialists terminated that arrangement, or on its breach by that company, that they proposed to do anything for public accommodation. The aforementioned contract continued by its terms absolutely for only five years, and until 1848, after which either party could terminate it by giving three months' notice. The Hoboken Land and improvement Company preferred the annuity to the building of their branch or any other road to Newark. Your memorialists therefore insist, that they have not been derelict in their duty or engagements in respect to the public or any other body or person.

And your memorialists submit that the parts of said bill that propose to give said Land and Improvement Company power to take parts or the whole of the roads and bridges of other corporations, inaugurate a policy of legislation unprecedented



and clearly unjust, unwise and uncalled for. The object plainly indicated is to take part of the road or part of the bridges of your memorialists or of the bridge companies.

And your memorialists confidently assert that no state or nation has yet ever exhibited the outrage of permitting a road authorized as a rival to another road, to take and select by the force of the eminent domain of the state, such parts of their rival's constructed work as they might judge most to their own advantage. The mere statement of the proposition is the best demonstration of its monstrous injustice.

The bridges of this company, with both their tracks and extensive improvement for accommodating the public, are necessary for their business, which extends not only to and throughout Newark, but with full equipment of double track, to large populous and flourishing parts of the state, thirty miles beyond; a public necessity greater than that of the new road. And the road and bridges of the Bridge Company are absolutely necessary for that great public highway, established for nearly seventy years, and now more used and needed than when first established. If there is such public exigency for the new road as requires the taking, by eminent domain, the rights granted by the state, there is ample space and territory, both on the rivers and land not covered by the roads and bridges erected and still needed in every part by their owners, on which the proposed road and its bridge could as well be located; which are no more protected, either by the letter or spirit of the grant of the state, than are the parts now occupied by roads and bridges and which, if any part is subject to the power of the state, can be taken by condemnation as well as the other. No imminent necessity can therefore be pretended to exist for deviation from an unoccupied portion of the rivers Passaic and Hackensack or lands between them, to justify the attempt to take by condemnation roads and bridges now in full public use.

It would be an injustice, for which no excuse, necessity or palliation exists; and in addition, such taking of road and bridges would either destroy the continuity of the road of your memorialists, or subject them to the frequent and provoking delay and the public to the plain and evident dangers of a road common to both, or of single track, so terribly demonstrated in some parts of New Jersey.

And your memorialists will ever pray, &c.

By order of the Board,

Newark, Feb. 13, 1860.

JOHN S. DARCY.

President N. J. R. R. & Trans. Co.

*Correspondence of the New Jersey Railroad and Transportation Company, with the Hoboken Land and Improvement Company, and the Camden and Amboy Railroad Company.*

In view of the submission to the Senate Committee on Corporations of the Hoboken Land and Improvement Company, of their correspondence and negotiation with the New Jersey Railroad and Transportation Company, relative to the use of the road of the latter company; and the charge made in the closing argument of the counsel of the Hoboken Land and Improvement Company, at Trenton, on Thursday last, "that he was instructed that the proposition to consolidate the Railway interest, instead of coming from the Camden and Amboy Railroad Company, came from Mr. Jackson," the New Jersey Railroad Company deem it their duty to annex to the foregoing memorial the following correspondence, between them and the Hoboken Land and Improvement Company, and also between the and the Camden and Amboy Railroad Company, that the public may judge of the facts of the case.

COMMUNICATION BY THE HOBOKEN LAND AND IMPROVEMENT COMPANY TO THE NEW JERSEY RAILROAD AND TRANSPORTATION COMPANY.

*To the Directors of the New Jersey Railroad and Transportation Company:*

GENTLEMEN:—The sixth section of your charter, as you are aware, after designating the general route of your road and requiring the same to pass "through Newark by the most practicable route and thence contiguous to or South of the bridges crossing the Hackensack and Passaic rivers, crossing Bergen ridge south of the turnpike road to some convenient point not less than fifty feet from high water mark on the Hudson river opposite to the city of New York," then contains the



following proviso: "that it shall be lawful for the said Company to make any branch railroad, to any ferry on the Hudson river opposite the city of New York aforesaid, to which the main line of said road shall not be located, which branch shall intersect the main line at a suitable point within one hundred yards of the Hackensack river, if the said main line shall cross the said river within one hundred yards of the present bridge, but if the said main line shall cross said river at a greater distance from said bridge, then to such a point on said main line, west of said river, as may be best calculated to give to said ferries equal facilities of communication with Newark, and if the said company shall not make such branch as soon as the main line shall be made from Newark to the Hudson, then it shall be lawful for any person or persons owning such ferry, to construct such branch as aforesaid, and to charge tolls thereon in the same manner, and at the same rates, as this corporation is authorized to charge, and for the purpose of constructing said branch railroad, he or they shall be invested with the same privileges, and be subject to the same liabilities and reservations as this corporation are entitled to and subject to."

Therefore, this is to give you notice, that, inasmuch as your company have located their main line to the Jersey City ferry, and have never made a branch railroad to the Hoboken ferry, of which the Hoboken Land and Improvement Company are the proprietors, whereby the latter ferry is deprived of "equal facilities of communication with Newark" to those enjoyed by the Jersey City ferry; and inasmuch as your Company have lately seen fit, by giving the requisite notice, to abrogate the agreement made the 24th day of March, 1843, by which they were relieved for the time from building the said branch road; and whereas, facilities of communication with Newark, such as above referred to, have become necessary for the proper developing the property of said Hoboken Company at Hoboken, and for the convenience of the largely increased population of Newark and Hoboken—therefore the said Hoboken Land and Improvement Company have at large expense the purchase of land and right of way from Hoboken to your road at the Hackensack river, made arrangements for the early completion of such branch railroad: to extend from the point of connection with your main line within one hundred yards of the Hackensack bridge, according to said proviso, through the tunnel being constructed by the Long Dock Company to the Hoboken Ferry.

But before proceeding further therewith, the said Hoboken Land and Improvement Company desire to know whether such an arrangement for the operation of said branch road can be made with your Company, as will give to their ferry at Hoboken equal facilities of communication with Newark, to those enjoyed by the Jersey City ferry. As this cannot be effected without running one half of the Newark trains to and from that ferry on terms equally favorable to both, we desire to know on what terms you will operate the said branch road with one half of your trains, or permit the said Hoboken Company or its lessees to run trains on your road.

An early answer is desirable, and will much oblige

Your obedient servant,

E. A. STEVENS,

On behalf of the Hoboken Land and Improvement Company.

Hoboken, Dec. 17th, 1859.

OFFICE NEW JERSEY RAILROAD AND TRANSPORT'N Co., }  
New York, Dec. 19th, 1859. }

EDWIN A. STEVENS, Esq., on behalf of the Hoboken Land and Improvement Co.

DEAR SIR—Your communication to the Board of Directors of this Company was received by them while in session on Saturday last, and was referred to a committee of the Board, consisting of the President, Vice President, and Messrs. Zabriskie and Wetwood, to report thereon at the next meeting of the Board, to be held on Saturday, the 24th inst., the subject of your communication being made the order for the day.

By order of the Board,

F. WOLCOTT JACKSON,  
Sec'y N. J. R. R. & T. Co.



EXECUTIVE OFFICE,  
NEW JERSEY RAILROAD AND TRANSPORTATION Co.,  
December 27, 1859. }

E. A. STEVENS, Esq., *for the Hoboken Land and Improvement Company.*

DEAR SIR:—I am instructed by our Board of Directors to send you the following communication agreed upon by them on the 24th inst.

Yours respectfully,

F. WOLCOTT JACKSON,  
Sec'y N. J. R. R. & T. Co.

The Board having carefully considered the communication to them from E. A. Stevens, Esq., in behalf of the Hoboken Land and Improvement Company, dated December 17th, 1859, referring to the right of the Hoboken Ferry Company to construct a branch railroad from said ferry to intersect the main line of the New Jersey Railroad within one hundred yards of the Hackensack river, in virtue of the proviso of the sixth section of the act of incorporation of the New Jersey Railroad and Transportation Company, and the report of the committee on the subject, the Board do unhesitatingly recognize the right to construct said branch by said Ferry Company and intersect the main line of their road at the point designated; they dissent, however, from the declaration in said communication "that the agreement of the 24th day of March, 1843, relieved their company for the time being from building the said branch road," for never being under any obligation to make said branch road, it would have been superfluous for them by any act or agreement to have relieved their company from building it.

Nevertheless, being perfectly willing to afford the proprietors of said ferry every right and privilege provided by such act of incorporation, to enable their ferry to enjoy equal facilities of communication with Newark, this Board will give every facility to the Hoboken Land and Improvement Company for the intersection of their proposed branch road, and the use of the main line of the New Jersey Railroad to Newark in continuation thereof, referring for the rates of tolls to the eighth section of the act of incorporation.

The very large outlay made by the New Jersey Railroad and Transportation Company in the construction of their costly bridge over the Hackensack, their heavy embankments and double tracks from thence to Newark, the erection of an expensive branch road and of two bridges over the Passaic, and their intention, at an early period, to construct the direct route of their road, and to erect a third bridge, still more spacious and substantial, across the Passaic at Commercial Dock—all enjoin upon the Board the propriety of their receiving the remuneration for the use of the road by another party, which is provided by their charter, and this Board cannot deviate from the rates of toll prescribed in such cases, without some collateral considerations, which shall be deemed an equivalent for any reduction they may make in said rates of tolls.

If the Hoboken Land and Improvement Company consider that such considerations and equivalents can be offered, this Board are willing to entertain a conference, and for this purpose do appoint a committee, consisting of the President and Vice President, and Messrs. Zabriskie, Chetwood and Remsen, to meet the proprietors of the Hoboken Land and Improvement Company, in the event of such conference being desired.

By order of the Board,

F. WOLCOTT JACKSON,  
Sec'y N. J. R. R. & T. Co.

HOBOKEN, Jan. 11th, 1860.

*To the Board of Directors of the New Jersey Railroad and Transportation Co.:*

GENTLEMEN—Having been ill in Philadelphia and only returned yesterday afternoon, your communication, dated 24th December, mailed 27th, in answer to mine of December 17th, is now before me. The terms you propose for the use of your road would preclude my using it, being a much higher rate than you receive from your passengers; in addition to which I would have to be at the expense of the cars, engines, &c., for transporting them.

I would be happy to meet your committee at the earliest date they can appoint to ascertain what "collateral considerations" you would propose as "an equivalent" for such a proper reduction of tolls as will enable the Hoboken Ferry to



enjoy equal facilities of communication with Newark as are enjoyed by the Jersey City Ferry.

Your obedient servant,

E. A. STEVENS.

EXECUTIVE OFFICE,  
NEW JERSEY RAILROAD AND TRANSPORTATION Co., }  
NEWARK, January 14, 1860.

E. A. STEVENS, Esq. :

DEAR SIR—Your letter of the 11th inst., directed to our Board, which in consequence of my absence at Trenton was not received until yesterday, has been considered by our Board to-day. They instruct me to say that they do not concur in the position you assume, especially in your application of the term "equal facilities," however much they may be disposed to concede them.

By referring to the sixth section of our charter for the terms referring to branch roads, from ferries to our main line, you will perceive that the provisional power, commencing with the words "But if the said main line shall cross said river at a greater distance (one hundred yards) from said bridge, then to such point, &c., on the main line, as will give equal facilities of communication with Newark," is now superseded and virtually expunged from the charter. The said main line not having been constructed "a greater distance" than one hundred yards, a branch from your ferry to that point is the only one now authorized to be made, which having been fixed, appears to have been considered as a branch giving equal facilities of communication with Newark, which in both cases clearly relates to the location of the line of the branch only, and not to any privileges on the main line, which is regulated by a subsequent section, namely, the eighth.

Nevertheless, with the view to ascertain what "collateral considerations" may be proposed as "an equivalent" for a more favorable use of our road, in connection with your proposed branch, than our charter provides, our committee will be happy to meet you for this purpose on Saturday next, the 21st inst., at 11 A. M., at our office in the Merchants' Exchange, or if you prefer it, and so indicate, at your office, Battery Place, and will give to any such equivalent as may be presented a liberal consideration.

Our Board instruct me farther to say, that they respectfully ask that the subject to which they requested the attention of the Camden and Amboy Railroad Company, in our communication sent to you by the same mail as that which you have acknowledged, may be considered at the same time, and they desire that you will make known this request to your associates. And in order that our Board may be prepared to discuss intelligently the subjects of the latter communication, previously to the time of the committee's meeting, an early answer is respectfully requested.

By order of the Board,

J. S. DARCY,  
Pres't N. J. R. R. & T. Co.

OFFICE OF THE HOBOKEN LAND AND IMPROVEMENT COMPANY, }  
HOBOKEN, Jan. 17, 1860.

JOHN S. DARCY, Esq. :

DEAR SIR—I am directed by Mr. E. A. Stevens to acknowledge the receipt of yours of the 14th inst., and to inform you that he will meet your committee on Saturday next, at 11 A. M., at your office in the Merchants' Exchange, as you propose.

Yours,

W. M. SHIPPEN.

JANUARY 21, 1860.

*Negotiations of Committee of the New Jersey Railroad and Transportation Company with E. A. Stevens, Esq., associated with Ira Bliss and William M. Shippen, Esqs., in pursuance of the correspondence and appointments:*

The Committee of the New Jersey Railroad and Transportation Company submitted the following propositions, introduced as follows :

1st. The New Jersey Railroad Company have, at a large expense, made a costly bridge and branch, with viaducts over turnpikes and streets, to extend the Morris and Essex Railroad from the terminus in Newark to the junction of the main line of the New Jersey Railroad at East Newark, costing, with lands, about \$300,000.

2d. This large outlay enabled the New Jersey Railroad to obtain a contract from the Morris and Essex Railroad for ten years, extending to 13th October, 1863,



which secures to the New Jersey Railroad Company, after deducting expenses of operating road, &c., fifteen cents a passenger, and twenty-five cents a ton of freight, being nett for each passenger and ton.

3d. Some considerations or equivalents should be given to the New Jersey Railroad for allowing the Hoboken branch to take part of the Newark business thus received.

4th. If the Morris and Essex branch be leased at the end of the Morris and Essex Road contract for \$30,000 per annum, about ten per cent. on cost, lessee to keep road and bridges in full repair, then reduced terms from what the charter prescribes will be made to the Hoboken branch, proposed to intersect the New Jersey Railroad east of Hackensack bridge—that branch being entitled to the whole Morris and Essex Railroad business, and all the additional business of Newark, concentrating at said Morris and Essex Railroad station at Newark. And that one or two independent railroad tracks will be constructed on the northerly side of the present tracks between the Morris and Essex branch to and for the exclusive use of the route to Hoboken.

5th. These terms are prescribed as follows:

*Passengers*—1st, 2d and 3d, 100,000—300,000 passengers at 8 cents.

4th, 100,000 passengers at 6 cents, and all after.

*Freight*—1st, 50,000 tons at 20 cents per ton.

2d, 50,000 tons at 15 cents do

3d, 50,000 tons at 10 cents, and all after.

6th. The charges for passengers and freight to be uniform by the New Jersey Railroad and Hoboken branch, but if the New Jersey road reduces or modifies, the Hoboken branch may do so.

The foregoing propositions were read to Mr. Stevens & Co., and the terms minutely taken down by them.

The above propositions were responded to by Mr. E. A. Stevens, "that he had hoped this matter would have come up in a different form." He then proceeded to present his propositions, which were:

#### PROPOSITIONS OF E. A. STEVENS & CO.

I. That the Hoboken Land and Improvement Company will build their branch, from the east side of Hackensack bridge to Hoboken, and run trains extending over the New Jersey Railroad to Newark, giving the former five-ninths of the net earnings, which would be the sum left, after a reduction of forty per cent., (for operating the road, &c.,) from the gross earnings; or,

II. The whole net earnings of both routes, derived from each party's operating their respective roads should be divided between the two parties, in proportion to the distance on the two roads traversed by passengers, which Mr. Stevens maintained was in proportion of four to nine. This, it was said, would take away all competition; or,

III. The New Jersey Railroad and Transportation Company might do all the work to and from both ferries themselves, having regard to the like division of nett earnings, in proportion to the distance traveled on each route, including each ferry, which Mr. Stevens again claimed would be four to nine, which would also do away with competition.

After stating the errors of proportion, which should be four to fourteen, and other unanswerable objections to his propositions, Mr. Stevens having caused notes to be taken of the propositions of the New Jersey Railroad and Transportation Company, stated that he would look over them. The other Directors then coming in, (the time for the meeting of the Board, that day having arrived,) *Mr. Stevens renewed and strongly advocated his various propositions for a general consolidation of all the chief railroad interests of New Jersey, urging the plan at some length on the Directors of the New Jersey Railroad Company.*

After which the parties separated, without, as it appeared to be mutually understood—completing the conference. No other meeting, however, has been had, but the Hoboken Land and Improvement Company has seen fit to submit the above correspondence to the Senate Committee on Corporations.



*Correspondence between New Jersey Railroad and Transportation Company and the Camden and Amboy Railroad and the Delaware and Raritan Canal Companies.*

OFFICE OF THE NEW JERSEY RAILROAD AND TRANSPORTATION CO. }  
NEW YORK, Dec. 24th, 1859. }

E. A. STEVENS, Esq., *Pres't C. and A. R. R. and T. Co.* :

DEAR SIR—I am instructed by the Board of Directors to send the following communication to your Board.

Yours respectfully,

JNO. S. DARCY, *Pres't.*

*To the President and Directors of the Delaware and Raritan Canal and Camden and Amboy Railroad Companies.*

GENTLEMEN—In accordance with frequent and earnest requests from citizens of Trenton, Princeton and other places on the line of your branch railroad between Trenton and New Brunswick, and with the desire to afford the greatest accommodation to the community by the New Jersey Railroad, with its connecting roads, the New Jersey Railroad and Transportation Company respectfully request of your Joint Companies to fix the rates of tolls which they will charge them for transporting passengers and freight between Trenton and New Brunswick, it being their desire to run two or three cheap lines for local accommodation and way travel, and in no way to be used to compete in the business of transporting passengers or merchandize between the cities of New York and Philadelphia.

An early answer is respectfully solicited, and if the foregoing proposition is favorably entertained this company will be happy to have a conference on the subject.

The Board of Directors desire also, in this connection, to ask the attention of your Board to articles fifth and fourteenth, in the existing agreement of your and our companies, now extended to January 1st, 1869, the first article of which modified the rate and division of fare between the city of New York and the city of Trenton, and after fixing the amount of the fares, provided that they should be equally divided between the two parties, the contract stating that "this change of division and fares being made in consideration of the withdrawal of the lines by the way of Bordentown and Amboy, as hereinafter provided;" and it was afterwards provided in article fourteenth of said contract, "That they (Camden and Amboy Railroad Company) will discontinue their line between Trenton and New York by way of Bordentown and Amboy, and establish no other train or conveyance in substitution thereof."

Our Board have been informed that other trains and conveyances are now and have been for some time, established between Trenton and New York, by the way of Bordentown and Amboy, and that favorable fares and facilities are offered passengers for taking that road.

Our Board may have been misinformed on this subject; but if such be the case, they do respectfully remonstrate against this departure from the contract, and ask of your Board an early conference, that the facts in this matter may be understood and considered by our respective companies.

By order of the Board,

JOHN S. DARCY,

Pres't N. J. R. R. and T. Co.

PRINCETON, N. J., Jan. 18, 1860.

*To the President and Directors of the New Jersey Railroad and Transportation Company:*

GENTLEMEN—Your communication dated New York, December 24, 1859, addressed to the President and Directors of the Delaware and Raritan Canal and Camden and Amboy Railroad and Transportation Companies, is received, and considered. It is not necessary that this Board should retaliate by detailing the rumors in private conversation, manifesting so much hostility on the part of your confidential executive officers. We would decline the quarrel proposed, if we can do so consistently with the honor and the best interest of the stockholders of the Joint Companies. We believe that the interest of your road, as well as of our roads, requires a closer connection in interest than our agreement seems to produce on your part.



There could be no interest requiring your officers to be so active in getting up, and urging on a rival route from Harrisburg by Allentown to Elizabeth, which will pay you but fifteen cents for passengers, who now pay you fifty cents, and will deprive our state of eighteen cents, transit duty on each passenger—except their desire to injure us.

We have not, and do not intend to retaliate, if you will listen to reason, and will not insist upon injuring those who earnestly desire to be your best friends. In reply to your request to run our road for us, from New Brunswick to Trenton, we respectfully refer you to our charter.

In reply to your accusation that we have broken the contract between us, we say that we have never sold a ticket, from Trenton via Bordentown to New York, since the contract went into operation, and are not aware that we have ever in this or any other particular broken the contract between our companies. When asked by your officers, our officers have positively denied the accusation, and your proof ought to be very clear to charge us with bad faith.

We respectfully request you to name the terms upon which you will lease to us the rights, privileges, franchises and property of the New Jersey Railroad and Transportation Company for a term of years.

Also we respectfully request you to say upon what terms you will sell out your rights, privileges, franchises and property to us, that we may be enabled to accommodate the public better.

And we would respectfully request your Board to fix the rates of toll which they will charge us for transporting passengers and freight between Newark and New York.

With high consideration, we remain,

Respectfully, your friends,

By order of the Joint Board,

JAMES PARKER, Chairman.

EXECUTIVE OFFICE,  
NEW JERSEY RAILROAD AND TRANSPORTATION Co.,  
JERSEY CITY, Jan. 28th, 1860.

*To the President and Directors of the Camden and Amboy Railroad and Transportation Company :*

GENTLEMEN—The communication of your Joint Board in answer to ours of the 24th of December last, was not received by us until the 21st inst., and after consideration by our Board this day, being their first meeting after its reception, they have instructed me to make the following answer: We regret to learn from your note, and from its tone and style, that the communication to which it was an answer, either alone or connected with rumors not designated, concerning our executive officers, should have been construed by you as evidence of a hostile spirit and an intention or desire to injure your companies. This was not in any way the design of that communication, nor can we perceive how such objects can be inferred from it, if read with an unimpassioned spirit. We intended it as a business communication on two distinct subjects. The propositions were direct and manly, and the language respectful and courteous.

We were willing to try at our own cost and risk the experiment of one or more daily trains from Trenton to New York and back, which we knew were much desired by the inhabitants of New Jersey, and which your companies have never been willing to join in running. You thought, perhaps rightly, that it could not be done with profit. We are sanguine enough to believe that if those trains are operated by our company with our engines and our set of employees, as a continuation of the trains which we run from New Brunswick, it might be done with some profit to us, and with a true gain to you of the tolls to be paid by us on your road, without any expense whatever to you except a small addition to the repairs of your track. We asked the terms on which you would permit us to do this. We did not intend this as an offer to run your road for *you*, but to run over it for the *public*. We had hoped that you would have named terms below the limit fixed in your charter as a matter of right to all. You have not seen fit to do so. Of this we do not complain: and we show our good faith and sincerity when we inform you, as we hereby do, that we believe that even on these terms we can accommodate the citizens of the interior of the state, if not with profit, at least without loss to ourselves, and that we accept the terms proposed. and will run at first one train



daily, to leave Trenton at 7 A. M., arriving at New York at 9.30 A. M., and to return at such hour in the afternoon as will be found convenient, and request that an early arrangement be made for the running of this line.

Whatever its results may be to us, we are happy to know that it will bring to your companies a larger profit than can be realized from the passengers carried in any other way; and we, therefore, feel that this ought not to be considered as a hostile or unfriendly demonstration.

In reply to our second inquiry, you convert a simple and respectful request to ascertain the correctness of information (which, if true, seriously affects our interests under the contract between our companies, and about which our Board admitted "they might have been misinformed,") into an "accusation;" repeating the word "accusation" by stating "that when asked by *our* officers, *your* officers have positively denied the *accusation*," and that "our proof ought to be very clear to charge you with bad faith." We cannot agree with you in deeming these imputations and others in your letter as the most appropriate manifestations of an earnest desire to be our best friends. We certainly do not deem it cause for the forfeiture of your friendship to make the simple inquiry we did.

We respectfully refer you to our communication, and desire your attention to it, for our information, repeatedly given us heretofore, has been confirmed since the receipt of your letter. We understand the fact to be that the Camden and Amboy Railroad Company has two lines between Trenton and New York, by way of Bordentown and Amboy; one which leaves Trenton at 6.50, A. M., by which one dollar is charged to South Amboy, and twenty-five cents by steamboat to New York; and another at 2.30 P. M., by which one dollar and sixty-five cents is charged to South Amboy, and twenty-five cents by steamboat to New York; thus furnishing lines from Trenton to New York at more favorable rates than those by our route. Passengers from Trenton to New York, by the way of Bordentown and South Amboy, also inform us that they are compelled to take your line to New York, leaving at 6.50 A. M., in order to arrive early in that city, as the line they connect with at Bordentown reaches New York about an hour earlier than the line via Trenton and New Brunswick, which diverges from Bordentown from the same train, being that which leaves Philadelphia at 6 A. M., and divides at Bordentown. We submit, therefore, that in view of the sections of our contract on this subject, and which were adopted to secure to us the entire business between Trenton and New York, as a consideration for our dividing one-half the fare, instead of the pro rata which was agreed to be paid us for all way travel common to both our roads, that this diversion of passengers between Trenton and New York, by the way of South Amboy, should cease; or if it cannot be prevented, because passengers can piece their way by South Amboy, by purchasing separate tickets, which is generally understood, then, if the lines from Trenton to New York via Bordentown and South Amboy are not discontinued, as required by the contract, we should have restored to our company the pro rata of all travel between Trenton and New York by our route.

After disposing, as above stated, of the only two subjects of our communication to your company, you request us "to name the terms upon which we will lease to you the rights, privileges, franchises and property of our company for a term of years."

To this we answer that as your confidential Executive officers, at the last session of the legislature, regarded a similar leasing of the Morris and Essex Railroad as against public policy, and opposed an act to authorize it, and as the opinions of eminent counsel have been obtained that such leasing is unlawful, we cannot add to the invasions of law and public policy which already exist.

Also, you respectfully request us to say "upon what terms we will sell our rights, privileges, franchises and property to you, that you may be enabled to accommodate the public better!"

We feel constrained to decline this request for like objections already made to our preceding request; regretting that however manifest it may be, from your own convictions and the experience of the public, that you would thereby be enabled to accommodate the public better! yet it would be well to defer operating our road until you complete your double track, and your local and terminal improvements, when still better accommodations will be enjoyed by the public. Yet we would recommend to you, that if you desire it, you can lawfully and properly obtain control of our franchises and property, by purchasing of the stockholders their stock, which, at its market price as quoted, we can assure you would be a



very advantageous bargain, knowing as we do the value of the property and improvements held and made by this company, and the certainty of their future increase in value.

Again, you would respectfully request "our Board to fix the rates of toll which they will charge you for transporting passengers and freight between Newark and New York."

It surprised us to be informed that the Camden and Amboy Railroad Company desired to increase their operations in another section of the state, but we would not only adopt your friendly reply to a similar proposition of ours, and respectfully refer you to our charter, but will fix the rates over our road considerably less than allowed by our charter, viz: at fifteen cents for each passenger, and twenty-five cents for each ton of freight.

We would, however, suggest, that if the Camden and Amboy Railroad Company is desirous of enlarging their operations and possessions, ample scope may be afforded them in transporting passengers and freight between Newark and New York, on the road projected by their President, to whom we respectfully refer you for our answer to a like request.

The animadversions upon our arrangements for conveying the passengers of the Central Railroad, like most of the topics of your letter, are not pertinent to this correspondence.

It is not correct to say that our officers have been "active in getting up and urging a rival route from Harrisburg, by Allentown, to Elizabeth." That route has acquired an existence like yours and ours, by authority of law, and the application of capital and enterprise, without any favor from us, but is, nevertheless, entitled to avail itself of any facilities our or any other existing works may be able to afford; and we are free to say, as we always openly have, that we have extended liberal facilities to passengers brought over our road by the Central Railroad, and we have done so, not only in accordance with the deliberately determined views of our Board to all public works intersecting our road, to enable them to do their business advantageously to themselves and the public; but in accordance with the earnest and frequent importunities of your confidential Executive officers, and as we are assured, of your whole Board, to extend to the Central Railroad the most favorable facilities in our power for communicating by our road between Elizabeth and Jersey City, in order to prove to them and to the public, that no necessity or even advantage existed for that Company to erect a route requiring that formidable barrier to the navigation of Newark Bay and the Passaic and Hackensack Rivers, caused by an extended bridge over so wide an arm of the sea; in opposing which we acted in unison with the citizens of Newark and the Northern part of the state, who were to be so seriously affected by this great obstruction to their commerce by water. In this opposition to a measure deemed so fraught with injury to the public, your company, from motives of your own, always zealously and actively united, and proved yourselves most efficient leaders.

We had hoped, therefore, that our liberal policy to the Central Railroad would have commanded your approbation, as we certainly supposed it was in accordance with your interests and wishes; and moreover as to our rates of charges to the Central Railroad Company, there certainly can be no proper objection on your part to our conveying the passengers of the Central Railroad between Elizabeth and New York at fifteen cents, when the President and largest stockholder of your company deems it just to deprive our company of carrying the Morris and Essex Railroad passengers between Newark and New York by contracting to carry them at ten cents.

Your interest for the state in regard to the loss of eighteen cents for transit duty is certainly commendable; but it is difficult to perceive how this loss should be four cents more per passenger than the whole transit duty now paid.

Moreover, you fail to recollect that (unlike any other in New Jersey) our company is subject to the payment to the state of both a tax on capital and a transit duty; and that the amount of the former is manifold greater to the state than your apprehended loss of transit duties, from the diversion of passengers by the route of the Central Railroad.

Trusting the foregoing is a satisfactory explanation and answer to your communication, we remain, very respectfully yours,

By order of the Board,

JOHN S. DARCY,

Pres't of New Jersey Railroad and Trans. Company.

[No answer has been received to this communication.]



The correspondence thus laid before the Senate, and at once published in the newspapers of the day, was that alluded to in the opening argument of Mr. Beasley on the previous Thursday, and which, it may easily be understood, the applicants for the *supplement* had no desire to see made public. The Senate Committee on Corporations, however, did not allow it to have weight with them, for a few minutes after Mr. Campbell had presented the Memorial, he, in his capacity of Chairman of the Committee on Corporations, reported the bill, with a few amendments not materially changing its character, and not removing or modifying its objectionable features.

The most important amendment (in appearance) reported by the Committee and adopted by the Senate, was that for preventing the Hoboken Company from taking, by appraisement, the *exclusive use* of any bridge belonging to another company. This amendment was readily assented to by the applicant for the bill, as it was really no obstacle to his purposes. The bill still gave him the power to take for his exclusive use so much of any bridge as he might deem necessary, and, therefore, his pretended concession to the rights of other companies was altogether illusory.\*

The report was accepted and the bill ordered to be reprinted as amended, without division or debate.

On Wednesday (February 16th,) afternoon the bill, in its "amended" form, came upon a second reading, and, on motion of Mr. Demarest, was amended so that any bridge built by this Company over the Hackensack river, should be twelve hundred feet distant from any other bridge.

Mr. Morris, of Atlantic, moved to amend, by striking out that portion of the eighth section which authorizes this Hoboken Company to run their engines and cars upon the roads of any other company.

This amendment, so reasonable in its character, and so necessary to the safety of the lives of the passengers on this and the connecting roads, was opposed by Mr. Westcott—the introducer of the supplement—and Mr. Gifford, and was lost.

Mr. Morris then moved to add two sections, providing that the Hoboken Company should not lay out and construct their road upon the road of any other company, and that it should not appropriate the road of any other company. It is difficult to see any valid or even plausible objection to these amendments, but the reliable majority of the Senate rejected them without deliberation. The usual appealing section was then added, and the bill was ordered to be engrossed for a third reading.

The Engrossing Clerk was expeditious. The next morning (Thursday, February 17,) the bill was reported as correctly engrossed, and as soon as the preliminary business had been disposed of, it was taken up, read a third time, and *without debate*, as passed.

Having succeeded in this surprising manner in the Senate, the applicant for the bill, and his assistants, lost no time in getting it before the Assembly. As soon as passage through the Senate was assured, it was sent at once to the House,†

\* This point will be made more clear in an "Address to the Citizens of Newark," by the Committee of Directors of the New Jersey Railroad Company, published in a subsequent part of this pamphlet.

† This practice of sending a bill which has passed only one branch of the legislature to the other House upon the same day, although not forbid by the letter of the rules, is plainly in violation of their spirit. By the general parliamentary law, as well as by the rules of the Senate and Assembly, a bill passed on one day can be reconsidered on the next, but if the bill thus passed has been sent to the other House, it cannot be reconsidered.



where it was referred to the Committee on Corporations, and on Friday morning—but twenty-four hours after it passed the Senate—it was reported to the House. As the legislature adjourned, a few minutes after receiving the report, for the week, no further action was had upon the bill until the following Tuesday, when some very novel and remarkable tactics were brought into play, as will be observed in a proper place.

As has been already stated the *Supplement to the Hoboken Land and Improvement Company* was sent from the Senate to the House directly after it had passed the former body, and was there referred and reported with singular expedition. But before going into a recapitulation of the proceedings had upon it in the Assembly, it is necessary that some documents published at the time and indispensable to a proper understanding of the subject, should be presented.

On the 20th of February, the Committee of the Directors of the New Jersey Railroad Company issued an "Address to the people of Newark," in which they plainly and fairly discussed the whole subject—showing the real motives of the applicant, and the probable consequences of the passage of the bill. That the sentiments of the address were in accordance with those of the people of Newark is shown in the fact that, notwithstanding the plea that it was intended for the accommodation and convenience of the people of that city, very few could be induced to sign petitions for its passage, although active efforts were used for that purpose, while the remonstrances presented at every day's session of the Assembly were numerous signed by the best citizens of Newark.

This address, after quoting the sections of the bill giving power to take the rights, franchises and other property of other corporations, says: "These provisions plainly give the power to take away either or both of the bridges of the New Jersey Railroad Company, and vest them in the Hoboken Company as part of their road; their road is not a public highway, and of course the New Jersey Railroad, if thus cut in two, cannot run their trains from Newark to New York. They (the New Jersey Company,) have no power to build another bridge; the Hoboken Company thus having the monopoly, could and doubtless would prevent all further legislation again to open the New Jersey road, even if the Federal courts decide in the now pending litigation that the state can obstruct navigation by authorizing duplicate bridges for a town already supplied with ample railroad facilities. This is the power granted: that the object of the grantees is to exercise it may be inferred from the fact that this is the chief difference between this act and the Morris and Essex Railroad extension act, now held and controlled by the Hoboken Company which, like this supplement, grants the right to take franchises—meaning by franchises the monopoly of building bridges within certain limits—but prohibits taking railroads and bridges, except the Morris and Essex bridge.

"If this supplement becomes a law, they can take the bridges and break up the New Jersey road. Will they do it? The expense to them is, first: the appraised value of the bridge. This would be no more than it would cost them to build a new one—and they must have one. Next, the damages. These might be considerable; yet no damages that any jury or commissioners would assess, could weigh much if anything against the certainty of having all the business from Newark and beyond, that now passes over the New Jersey road, thrown at once upon

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except by permission of the House in whose possession it then is. This permission—when asked—is frequently withheld, and the plain object of the rule permitting and regulating reconsiderations is defeated. To make the rules consistent, a bill should not leave the House where it is first passed, until at least one whole legislative day has elapsed.



their road, and kept there as long as they can control legislation. The temptation would be too great for them to resist. There can be no earthly doubt as to what they would do—they would take the bridge.

“The amendment introduced in the reprinted bill, preventing the taking by apportionment the *exclusive use* of any bridge, will present no real obstacle to their design, they can take the whole of one track on the bridge and part of the other, leaving a common or exclusive use in the New Jersey road of three-fourths of one track on the bridge. Or they can take one hundred yards of the road, its full width, adjoining the abutments, or in fact any where else—and thus break its continuity.”

The address then asks what the people of Newark are to gain by this transfer of the track between Newark and New York to the Hoboken Company, owned as it is by the controlling spirit of the Camden and Amboy road? It then shows that while the latter company has never charged less than the legal rate, and never run any more cheap trains than the law compels them to do, and then at inconvenient hours, the New Jersey Company runs ten lines daily to New Brunswick, twelve to Rahway, nineteen to Elizabeth, and thirty-five to Newark, charging on all their local trains *less than half the amount allowed by law*. The contrast in freedom from accidents, safety to life and limb, and the convenience of passengers is equally marked.

After thus showing from which of these companies the public may reasonably expect the most regard for their interests and convenience, the address considers the subject in another aspect, viz: That the Hoboken Company should not swallow up the New Jersey road, but allow it to exist and take the alternatives provided for in the supplement, of taking one half of each bridge, or running over the bridges on paying toll, showing the great danger to be apprehended from the use of the same road by independent and rival companies—each passing over the bridges *seventy times daily*—more than *twenty thousand times a year*, most probably at the same hour, and the power to regulate and control their speed and precedence no one. “During competition the fares might be less, but would this compensate for the sense of danger which every passenger and his family and friends would feel when on either road? One single disaster—one sight of the crushed bodies of husbands, wives or children thus mutilated, would give answer!

“But the competition might soon weary both parties; railroad directors and stockholders are but men, selfish men, who might and probably would forget the right and interest that the public have in this competition; they might unite and sell out to the other, each could afford to pay for the other, an exigency carefully provided for in the ninth section of the bill, which expressly authorizes them to buy or sell out to any other corporation. It is the old policy of the owner of Hoboken to combine and hire out his grants for such purposes, and he has realized nearly \$300,000 out of the public, through the New Jersey Railroad, by his clause in their charter. He has just offered to make a new bargain with them, to give up running his branch, or any road to Hoboken, and that they (the New Jersey Company) may run it as they please upon paying him four-thirteenths of the whole net profits of both lines; which would have been a subsidy of \$66,000 a year, instead of the \$20,000 just discontinued.”

The extracts which we have made from this address will show the reader some of the dangers to be apprehended from this bill, and also the leading motive of its applicant in demanding its passage. The New Jersey Company had not only refused to pay him an annual subsidy of \$66,000 to silence his opposition, but had



positively discontinued that of \$20,000 paid to him under an old contract, and which they brought to a close in accordance with its terms. This bill would furnish an additional weapon by which he might hope either to bring the New Jersey Company to his terms, or, by the extraordinary powers granted by the supplement, force them to submit to the spoliation of their property and a fierce competition, or by selling their road consolidate all the leading railroad interests of the state in the Camden and Amboy Company, of which he is the leading and controlling spirit. Other portions of the address present the clearest reasons for the belief that the people of Newark could not be benefitted by the passage of such a bill—but these, possessing a local rather than a general interest, we have not quoted.

The following letter, although in reply to a card published in defence of Mr. Stevens' course, by Mr. Cambridge Livingston, presents so clearly, and yet so briefly, some of the points in this controversy, that we copy it at length:

TRENTON, February 20, 1860.

"I have just seen a card this evening in the *Newark Daily Advertiser*, signed by Mr. C. Livingston, of New York, endeavoring to vindicate the purity of the contract of the Hoboken Land and Improvement Company with the New Jersey Railroad and Transportation Company, in virtue of which the former has received from the latter, from 1843 to January, 1859, such a sum annually as to amount in the whole to \$278,335.68, and with interest to this day, to more than \$425,000, for which they agreed that they would not, jointly or severally, in any way, directly or indirectly, as owners or by loans, aid or abet, or be interested in any railroad proposed or constructed in opposition to the railroad of the said New Jersey Railroad and Transportation Company, during the continuance of this agreement!

"With Mr. L. I shall have no controversy, nor shall I be diverted from the fact in the case by any extended notice of his card, or from a straight-forward course in resisting great wrongs on our citizens, in this attempt to *consolidate* into one interest all the railroads in New Jersey, and to *merge* into one route, and under one-man power, the railroad communication from Newark to New York. Ready, however, to favor a railroad, independent and separate from the New Jersey Railroad, even for the Hoboken Land Company, and for any other part of the state with the fullest provisions ever heretofore conferred on any railroad charter in New Jersey—I deal with things, not with persons. The contract which he seeks to justify was brought to the attention of the legislature, with the correspondence of Mr. E. A. Stevens and the Camden and Amboy Railroad Company, with the New Jersey Railroad and Transportation Company, by their opening counsel in the argument to which Mr. L. refers, and as it is now before the public it requires no expletive properly to characterize it. It will be published in due time with all the collateral correspondence of Mr. Robert Schuyler and the other parties. The publication is properly deferred at present, as judicial proceedings are contemplated—the matter being in the hands of eminent counsel—to recover back the monies paid on the ground of a violation of the contract. Mr. L. will then know what the facts are, and a court and jury will decide upon them. Happily they are in possession of a large circle of independent citizens, stockholders of the New Jersey Railroad and Transportation Company, and cannot be concealed or clandestinely withheld from the public or the tribunals of justice.

"Mr. Livingston seeks to bolster up the merits of the Hoboken contract, by the course of the New Jersey Railroad and Transportation Company, in not soon giving the three months' notice to terminate it after 1848, when either party could so terminate it. There is force in quoting the example of the New Jersey Railroad and Transportation Company, but it is due to truth to say, that a majority of the directors of that company were always strongly in favor of giving that notice, ever since 1848, but the '*Executive Officers*,' from friendship for Mr. E. A. Stevens and the Directors of the Camden and Amboy Railroad Company, and, it must be admitted, from fear that Mr. Stevens' influence with the latter company would disturb the simultaneous contract with that company, and induce that joint hostility which the New Jersey Railroad and Transportation Company and its '*Executive Officers*' have now incurred by that act, they repeatedly prevailed with their board to postpone the notice to terminate the contract.



"That notice was not given until in February last, about a year ago. It was not done until the most conclusive testimony was obtained of repeated violations of that contract. The notice to the Hoboken Company enumerates in detail these violations, and the wrongs and injuries suffered by the New Jersey Railroad and Transportation Company. It was given by the directors of the latter company with their unanimous vote, and declared in their notice to be in view of such repeated violations.

"Though a year has elapsed, Mr. E. A. Stevens has never made any answer to the charges contained in that notice, or gainsayed their truth. No monies have been received by him since the notice was given, though by the terms of the contract it would have been required up to the end of the three months after notice, if the notice had been given for any other cause than infraction of contract. But the payments ceased instantaneously with the notice.

"At a future, and perhaps early period, a full and faithful narrative of all the collateral transactions and correspondence will be laid before the public, as they are, as I before stated, treasured up in the archives of the New Jersey Railroad and Transportation Company. When the notice and the narrative referred to are published, Mr. Livingston will perceive that his information is quite limited and partial. His non-residence and the difference in his age and pursuits with those of Mr. E. A. Stevens, renders this natural. While his zeal for the reputation of his deceased relatives—whose characters I do not mean to impugn—is commendable, fuller knowledge of the facts would have spared him the issue of his courteous word.

"It is proper to say in conclusion, that the explanation Mr. L. gives to the alleged charge of violating the contract, '*that Mr. E. A. Stevens did not aid the Morris and Essex Railroad extension in 1857, because he was not present at the legislature at which the act was passed,*' amounts to nothing. His friends and coadjutors were present. Neither is he present at the legislature now in session, nor are his friends and coadjutors are, and who can doubt the master spirit that moves enormous projects before the present legislature.

JOHN P. JACKSON."

By this letter we see that at the very time while Mr. Stevens was receiving \$10,000 annually from the New Jersey Company on the conditions that he would only refrain from constructing the Hoboken branch, but that he would not assist or in any way, directly or indirectly, aid or abet in the construction of any other road between Newark and New York, he aided in procuring the Morris and Essex extension, and violated, in other ways, his contract; and having secured the extension, he endeavored to make use of it as a weapon for exacting an enormously increased subsidy from the New Jersey Company. As, as we have seen, was refused, and he comes at once before the legislature with an application for a *third road*, to be used like the others, and intended to injure or break down an independent company that refused to consolidate its interests with those of the Monster Monopoly, the Camden and Amboy Railroad. Having given these documents, explanatory of the merits of the controversy, and a necessary part of the history of this conflict, let us now return to the legislative proceedings.

#### THE HOBOKEN BILL IN THE ASSEMBLY.

On Tuesday morning (February 21) petitions, numerously signed, for an independent railroad from Newark to Hoboken, and remonstrating against the passage of the supplement to the Hoboken Land Company's charter, were presented by Mr. Bond and Mr. Bond, of Essex, Mr. Slaight of Hudson, and others.\* After the routine business had been disposed of, Mr. Dobbins, of Burlington, introduced a resolution to recommit the supplement to the Somerville and Easton Rail-

petitions of this character and remonstrances against the passage of the Hoboken bill continued to be presented in large numbers until after the passage of the bill, while petitions for it were "few and far between." I state this here, as we shall not again allude to their presentation.



road and the Supplement to the Hoboken Land and Improvement Company to the Committee on the Judiciary, and moved its adoption.

Mr. Teese advocated this motion, giving the reasons why they should take this course. These bills were important—one of them, in particular, was the most important brought before the House during the session. This bill—the Hoboken Land Company supplement—involved legal questions of the greatest magnitude. There were rights of parties which would be effected by this bill, involving millions of dollars worth of property—rights the most valuable in New Jersey, and although it was proper to refer the bill in the first instance, to the Committee on Corporations for their examination, yet where legal questions of such importance were involved it should also be referred to the Judiciary Committee, in order that before the House acted upon these questions it should have a report from that committee.

The motion was debated at some length, and was finally, on motion of Mr. Pop of Passaic, laid upon the table, by the following vote:

*Yeas*—Abbott, Arrowsmith, Barcroft, Bond, Condit, Crozer, Decker, Graham, Habermayer, Hale, Horton, Larzalere, Mackerley, Marsh, Mount, Mulford, McCracken, A. H. Patterson, Peckham, Pope, Reeves, Rusling, Stafford, Stag Wells, Wood—26.

*Nays*—Ayres, Ball, Banghart, Bennett, Booraem, Carter, Cooley, Denson, De Dobbins, Drake, Freeman, Hall, Ivins, Lippincott, McNinney, J. Patterson, Slight, Sooy, Starr, Stokes, Teese, Vanhorn, Waldron, Wheeler—25.

*Absent or not voting*—Applegate, Brewer, Brinkerhoff, Cole, Hopper, Mayhew, Schomp, Shoemaker—8.

One vacancy.

After some other business had intervened, Mr. Slight moved to take from the table the resolution thus laid upon it. This motion, after a short debate, was negatived—22 to 32.

The supplement to the charter of the Hoboken Land and Improvement Company was then taken up by the Speaker on a second reading.

Mr. Teese said, that by reference to the calendar he found that there were *more than twenty bills ahead of this one*; all of which must be taken up and disposed of before this could be reached in its regular order. He could see no reason for this great haste—this forcing this bill out of the regular order of business, and therefore, moved that its further consideration be postponed until the next day. There were numerous and grave objections to this bill, and while he was in favor of a new and independent road from Newark to New York, he was not in favor of such a charter as this, under which the new road to be constructed could be put out to the very company which had existed there for more than twenty years. He did not see why other bills should be postponed and put back on the calendar for the purpose of forcing this bill through with such haste, and, under the circumstances, there could be no objection to its postponement.

Mr. Pope, of Passaic, said that he hoped the motion would not prevail. If the gentlemen who drew the bill wanted it postponed they would have let the House know it. As they had not asked for it, he hoped it would not be postponed.

Mr. Teese said that it was quite probable that the applicants for the bill did not want it postponed, but that was a matter belonging to the House, and not to the gentlemen.

The bill was postponed—30 to 24.

Directly after the vote on the postponement from Tuesday to Wednesday taken, the House adjourned until afternoon. On reassembling at three o'clock,



public were treated to an entirely new specimen of the tactics of the monopoly managers. The lobby was filled with their retainers, while in some adjacent rooms were some of the leaders, to direct in person the new movement which had been agreed upon during the recess for dinner, and of which no one outside their own band had the slightest suspicion. What this movement was will be seen by a perusal of the following abstract of proceedings:

Very soon after the commencement of the afternoon session, a motion was made to reconsider the vote by which the Hoboken bill had been postponed to Wednesday, in order that it might be recommitted to the Committee on Corporations for amendment. This motion took the House by surprise, and considerable opposition was manifested, but the friends of the motion stated that it was designed to so amend the bill as to remove the objections made to it, and render it acceptable to the House, and after a very short conversational debate, the motion to recommit prevailed by a vote of 32 to 22. So far—although the course pursued was somewhat unusual—the members opposed to the bill had little to complain of; they had not yet seen the whole of the machinery for defeating the order of postponement made in the morning; but they were soon to be enlightened on this point. The bill was handed to the Chairman of the Committee, and another bill was taken up, read a second time and ordered to a third reading. This was scarcely done, when the chairman of the Committee (who, in the meantime, had not been out of the House, and of course had had no meeting of the committee,) arose and asked for a suspension of the rules, in order that the Committee on Corporations might present a report. Mr. Teese, now suspecting the object of this motion, asked what bills the committee wished to report?

The chairman, (Mr. Applegate,) with some embarrassment, replied, "Senate bill, No. 81."

Mr. Teese. That is the supplement to the Hoboken Land and Improvement Company! I object to a suspension of the rules for any such purpose. Scarcely five minutes have elapsed since the bill was recommitted; it is not possible that the committee have considered either the bill or amendments—they have not even had a meeting; and no other member of the House has had an opportunity even to see either of them. I object to the suspension of the rules.

Mr. Slaight said that he felt bound to oppose a suspension of the rules. The committee had not had the bill more than five minutes, and now the chairman proposed they had examined, amended, and were ready to report it. There had been no meeting of the committee, and there could be no propriety in reporting in such haste. This whole movement looks very much like an attempt to evade or defeat the postponement agreed to at the morning session.

Mr. Applegate said that four members of the committee had seen and agreed to the amendments, and were ready to report.

Mr. Pope said the gentleman was mistaken in saying the committee had not considered the amendments—the committee had been consulted and had agreed to them. He hoped the motion to suspend the rules would prevail.

Mr. Teese said that if the members of the House were no more than a flock of sheep, trained to bleat out "Yes" or "No," just as they were bid by some outsiders, then this outrage might be submitted to, but as a member of the Assembly and as a freeman, he protested against the whole proceeding. He wished to ask the chairman of the committee who wrote the amendments he proposed to report? and whether the committee had met to consider them? There had been no chance given to examine this bill—a bill which affected rights of the greatest importance, and



endangered property to the value of millions of dollars, and which might endanger life if passed in its present shape. The committee could not have met, no one had been heard before them upon the bill; there had been no opportunity allowed to state objections to it, but it is attempted to rush it through without allowing any amendments except such as its framers may propose. He denounced the whole of the proceedings as an outrage upon everything deserving the name of legislation. Ever since its first introduction in the Senate, this bill had been forced through without allowing alterations or amendments—and it was time that this should be resisted—the members should not allow it to be forced upon the House in this manner.

Mr. Dobbins, Mr. Slaight, and Mr. Mayhew opposed, and Mr. Pope advocated the motion to suspend, in a short debate, which was concluded by Mr. Condit, who said that he made the motion to reconsider and recommit in good faith, that amendments might be inserted, which, he thought would meet with the approval of the House. He did not care, however, about having the bill reported on that day, but was willing that it should go over to the next.

The motion to suspend the rules was not agreed to, the vote being as follows:

*Yeas*—Abbott, Applegate, Arrowsmith, Banghart, Barcroft, Bennett, Bond, Crozer, Decker, Denson, Graham, Habermayer, Larzalere, Mackerley, Marshall, Mount, Mulford, A. H. Patterson, J. Patterson, Peckham, Pope, Rusling, Wills—24.

*Nays*—Ayres, Ball, Booraem, Brinkerhoff, Carter, Condit, Cooley, Dey, Dobbins, Drake, Freeman, Hall, Ivins, Lippincott, Mayhew, McNinney, Reeves, Slaight, Sooy, Starr, Stokes, Tecse, Vanhorn, Waldron, Wheeler, Wood—26.

*Absent or not voting*—Brewer, Cole, Hale, Hopper, McCracken, Sehomp, Shomaker, Stafford, Stagg—9.

One vacancy.

Thus this ingenious scheme to evade the postponement to Wednesday, was defeated by the spirited resistance of two or three independent members. The amendments—written by the applicants for the bill, and adopted without alteration, not without reading, by the committee—still remained, with the bill, in the hands of the committee. It was surmised by the opponents of the bill that they were deceptive in their character, and prepared with a view of technically obviating the objections, without really changing the character of the bill, and when they came before the House it was proved that this surmise was correct; the amendments had been skilfully prepared so as to bear the appearance of making some concession to public sentiment, but a careful examination showed that they left the bill substantially as it was before they were added—not altering it in any essential particular. But the real motive in bringing them forward on this day was that the bill might then be taken up and passed through a second reading on that afternoon. Everything was prepared for it, the leaders were posted in the State House, conveniently for consultation and for issuing orders, the lobbies were packed with the agents and “strikers,” noses had been carefully counted, and as was thought, a majority assured. But the trick was too palpable—members who would probably have voted for the bill, could not be brought to vote for such a method of bringing it up, and it was, as decided by the House in the morning, laid over to the next day.

The House having refused to suspend the rules, in order to allow the Committee to report the bill, Mr. Applegate gave notice that the Committee on Corporations would meet on that evening in the Assembly room “to consider amendments to the Hoboken bill,” and invited the members to attend.



OFFER BY THE BRIDGE COMPANY TO SURRENDER THEIR MONOPOLY TO THE STATE, IF THE CAMDEN AND AMBOY COMPANY WILL SURRENDER THEIRS.

In accordance with the invitation given by Mr. Applegate, the chairman, the Committee on Corporations met in the evening, in the Assembly Chamber, when Messrs. J. P. Jackson and A. O. Zabriskie appeared on behalf of the opponents of the bill. The following report of their arguments will serve to show, in a still clearer light, the enormity of the bill under consideration:

#### MR. JACKSON'S SPEECH.

Mr. John P. Jackson said that he did not appear before the Committee to oppose their granting a free, separate and independent railroad between Newark and New York. The New Jersey Railroad Company and the Passaic and Hackensack Bridge Company had, it is true, certain rights of property which had always been considered and recognized as inviolable up to 1857, but the legislature of that year had granted to the Morris and Essex Company full power to take those rights by appraisement, and he did not expect this legislature to do less. The New Jersey Railroad Company would not object to any honest, frank rivalry and competition, but a bill embodying such unprecedented, tyrannical and monopolizing provisions as the one presented by the Hoboken Land and Improvement Company, certainly to the legislature having regard to the sacred rights of property, to the pledged faith and reputation of our state, and to the dangers and calamities to which the public might be exposed in carrying out its provisions—can conscientiously and seriously approve.

#### OBJECT OF THE HOBOKEN BILL.

The bill is evidently intended for nothing but as an additional screw upon the New Jersey Railroad Company, and to aid the Camden and Amboy Railroad Company in oppressing them. They complain that they must have these great powers in order to wrest from us our privileges, or our mammoth monopoly as it is termed. Now in what does our monopoly consist? In nothing more than that when the legislature, in 1832 granted us our charter, it was the high minded and honorable custom to respect rights of property, and accordingly, though not one single monopoly feature is to be found in the charter of this New Jersey Railroad Company, as the Company was compelled to respect and pay for the rights of every bridge and turnpike corporation and franchises then existing in their path. The obstacles to be overcome by the New Jersey Railroad were many and hard; there was the monopoly of the Raritan river first to meet—then the Newark Turnpike Company's monopoly—the Essex and Middlesex Turnpike—then the proprietors of the bridges over the Passaic and Hackensack—and then that of the Jersey Associates. It was from these great monopolies that the New Jersey Railroad Company, with not a single monopoly provision in its charter, relieved the state, as to allow a railroad, and like the purchase by our honored ancestors of every inch of land from the Indian tribes, so we paid fully and honorably for every monopoly upon which we were obliged to infringe.

Thus, like the purchase of the free soil of the state, its vested rights have been gained by fair and honorable contract. That very monopoly across the Passaic and Hackensack, was the means of compelling us to pay \$150,000, a privilege which industry and application has now been brought to a much higher value.

#### POWERS POSSESSED BY MR. STEVENS.

Mr. Stevens has now the boldness to come forward in this bill, and ask that he should receive for nothing this privilege for which we paid so largely—strange request indeed from one so thoroughly environed as are his Railroads and property in the charter which created them with monopolies wrested by themselves from the state, and against whose oppressive power the New Jersey Railroad have, I may say with patriotic zeal, which should have insured to them the sympathy of our people, long and patiently been obliged to labor. It was this oppressive power possessed by Mr. Stevens, as at once the great landed proprietor of Hoboken and its vicinity, and the great moving spirit of the Camden and Amboy Company, that brought from Robert Schuyler the subsidy of \$20,000 a year, which was for a kind of permission that the New Jersey Railroad Company *might exist, might live, or otherwise be crushed out forever.* And Mr. Schuyler is as much more excusable than



Mr. Stevens, as is the prisoner in a dungeon more excusable than the tyrant who gives him liberty only at the price of an unwilling contract.

It cannot but be noticed that Mr. Stevens has never shown any purpose to build the road between Newark and Hoboken. This appears from his conduct in relation to the Schuyler contract, and his receiving the annual subsidy after 1843, until 1859, when the Company terminated the contract. After 1843 he could have built at any time, on three months' notice.

It also appears from his failure to make or even attempt to make any execution of the Morris and Essex Extension Act.

It appears thirdly that even at this late day he does not seem disposed to work any road he might possibly build, if he can avoid it. Read his proposition to the New Jersey Road to run the Hoboken branch for him. There is certainly but little public spirit here in favor of an independent free road from New York to Newark.

#### A CONSOLIDATED MONOPOLY.

What the people of Newark and the State ask for, is an *independent*, not a *consolidated* road, one with separate owners, separate routes, and a competition of fares. But this system is one of a *consolidated monopoly*, with none of the advantages of competition—fares would remain the same, the number of trains the same, and he would thenceforth use all his great power and influence to crush out all other project for a road that might hereafter arise.

It is not fair to charge upon the New Jersey Railroad Company any desire for plan of consolidation. The counsel for Mr. Stevens says we did make the attempt last year, under a general law. Now we could take no more advantage of a general law than any other individual or corporation; it was a public law, like a general banking law, and our sole object was to obviate the objection of lawyers to the running of the Morris road, which the community ardently desired us to do, and then to relieve that company of unfortunate predicaments, into which they had fallen.

Mr. Jackson then spoke of the dangers of two rival interests operating on a road. The Parliament of Great Britain, and the Legislatures of Massachusetts and Pennsylvania, have expressly refused to sanction such a grant. In other states and by numerous experienced railroad managers, the plan had been denounced as dangerous and impracticable in the extreme. We shall quote some of them for information of members, although the request is too gross and monstrous almost to notice.

And it is this awful and reckless right that Mr. Stevens asks you should clothe him with, in order that he may wrest from us our consent to his free use of bridges over the rivers. This is the club to be brandished over our heads; this is what we term the same thing as to pass a law to allow a man to present a pistol at your breast and demand your money or your life.

#### PROPOSAL TO ABOLISH THE MONOPOLIES.

But oh! say they, yours is a grievous monopoly, contrary to the interests of the State. Come, now, we will see whether they are sincere in their protestations. They would have us to give them our free consent to ignore exclusive rights.

We agree to do so under one condition, that the Camden and Amboy Company shall, in the same act, and at the same time renounce theirs. Then will the State be forever freed from these odious monopolies. In the name of the New Jersey Company we offer the following amendment, to be inserted after the clause relating to the consent of the New Jersey Railroad Company: "That the limitation mentioned shall not take effect, unless the Camden and Amboy Railroad and Delaware and Raritan Canal Companies shall, within fifty days, file their consent duly executed, for the construction of any railroad for transportation of freight and passengers between New York and Philadelphia." This now will test the sincerity of the public spirit of the applicants for this bill. Mr. Stevens asks us to break our privileges; let him at the same time renounce his own. Then will the fair fame of New Jersey be redeemed, and the state at once freed from the obstruction and impediments so long occasioned to free legislation from the antiquated system of exclusive privileges.

Mr. Jackson then dwelt at length upon the impracticability and danger of operating a railroad by two rival interests, quoting the above reports of the Massachusetts and Pennsylvania legislatures, strongly condemning such joint operation, and closed by saying that he never would consent to take the dread responsibility of being one of two managers of rival and hostile interests, running in competition the New Jersey road, and would in such an event much prefer retiring from such conflicts.



## MR. ZABRISKIE'S SPEECH.

Mr. Zabriskie said: The New Jersey Railroad Company, while not opposing a free and free road from Newark to New York, do not admit that there is any such thing as *public necessity* for even such a charter. We risk nothing in saying that this region of the country is better accommodated with railroad facilities than that country traversed by the New Jersey Railroad; and especially the city of Newark, with its four substantial convenient depots, seventy trains a day running between the two cities, with rates of fare and commutation cheaper than most roads, and higher than none, except where almost ruinous rivalry exists, may well be considered as the most favored and well-provided city in the matter of railway accommodation of any which we know. Ten times this number of passengers may be carried, and the number of trains quadrupled.

## FACILITIES FURNISHED BY THE NEW JERSEY COMPANY.

At great expense, too, a double track has been laid the whole length of this New Jersey road, over which its operations have been carried with safety and credit, and small indeed must be the claim, that *public necessity* demands an exercise of the legislative right of Eminent Domain. We have often heard good men debate how far it is proper to falsify in any circumstances, as to save a life, or to save property, or perhaps to gain property; once admit the principle, and one will falsify his life, and another will for five dollars; so here the necessity claimed for our opponents is very, very small. We deny that any necessity exists at all.

Have not the New Jersey Railroad Company built up their business with conspicuous regard for public interests? They inaugurated a system of commutation which has made the cities and towns on their line to flourish in a manner to be envied by other sections of the state; they have run a very large number of trains at traveling hours, and at hours when few ride; many of their trains have run without any pay or remuneration to them, but solely with the desire to accommodate the public who used them. Thus have they built up a prosperous thriving business. But who ever knew of such accommodation on the Camden and Amboy road, or of their running trains which did not pay? Mr. Stevens sees this business of the New Jersey road has become very pretty, and now he says: Give your earnings with me; I have the power to take it; so either run my road to Hoboken Ferry, or let me run my trains over your road or bridges, buy me off from the great privileges I can possess myself of."

## SHALL THE FAITH OF THE STATE BE VIOLATED?

Is this an occasion that calls for a violation of the faith of the state? Is it one that calls for the legislature to give the bandit's club to one individual, with which they may compel others to give up their rights? Is it an occasion that calls for the endangering the lives of the public? And yet the result could be of no private benefit to Mr. Stevens; competing lines, perhaps, might ruin both; you are allowed him to waste his property. There is no *public necessity*, no *private emolument* calls for the construction of this road by the Hoboken Company. There may, perhaps, be private gain in this matter, but even this is doubtful. Mr. Stevens will have an established and well equipped road to compete with, and an established institution is always a hard rival to meet. But we have a solemn contract in which the state has pledged her faith not to interfere for the disturbance of our rights; a contract always respected in previous legislation, and which this bill of the Hoboken Land Company for the first time proposes to abrogate.

And this they want as a terror to hold over our heads. They want to force us to give our consent to part with our contract with the state and our vested right of property. For, say they, their exclusive privilege is worth nothing. But, if it be worth nothing, why then ask for our consent? Evidently they fear that the decision of the nine Supreme Court Judges at Washington might somewhat surprise them, they did a great many of us, in the Dred Scott case. They fear that a decision of the Courts would reveal the hollowness of their own monopoly.

They ask for amendments to those parts of the bill that authorize the taking and the use of our road. To take a road built by authority of law, which has not fallen into disuse, but is maintained and operated in good faith and with success and efficiency, is an unusual, unauthorized and unprecedented course, here or elsewhere.

It is moreover unjust and oppressive; money has been invested, securities have been taken, and individual and public action has been founded upon this understanding. It is dangerous to passengers, and this legislature should pause, and only pause, before they record their approval, standing in the responsible position that they do, of a bill the practical operation of whose provisions might be so disastrous to human life. It may indeed be technically lawful, but it is not right.



FAIR PLAY FOR ALL. LET THE CAMDEN AND AMBOY COMPANY SURRENDER SUCH RIGHTS AS THEY WOULD DEPRIVE THE NEW JERSEY COMPANY OF.

I have observed the amendment which the Committee on Corporations have proposed to make to this bill to the effect that if the New Jersey Railroad Company gives its free consent to bridging the Passaic and Hackensack, then they will use *any existing bridge*, except the Morris and Essex extension bridge, from Newark to East Newark. Again we ask, if our consent is worthless, why ask it? But propose a better remedy. Let the Camden and Amboy road also file their consent to the abrogation of their monopoly privilege, so that roads may be constructed between New York and Philadelphia, as well as New York and Newark, and will have no hesitation in performing our part. Half of the Board of Directors who are now present, have agreed, on this condition, to this surrender of exclusive privilege, and we have but little doubt but that the others will concur with us.

Now how this differs from the plan they propose. By this very bill they will buy up every franchise or exclusive privilege that we have, and the very next day sell out, transfer or mortgage these same franchises, and others which they do not possess, to *any other corporation in this state*. Can the design of the great movement of the Camden and Amboy and Delaware and Raritan Joint Companies be more apparent?

Their unlooked for defeat on Tuesday staggered the managers for Hoboken. They found that the majority they had counted on as safe and sure, under all circumstances, was not quite so reliable as they had imagined—that they could not support them in all their intrigues, and that there was still necessity for the exertion of the “peculiar influence” at their command. They needed some time, and although on Tuesday the haste was so great that the Speaker postponed more than twenty bills to take this Hoboken bill up out of its order, and the Committee on Corporations condescended to a trick to accomplish the same purpose: on Wednesday no attempt whatever was made to bring it before the House. On Thursday afternoon they again mustered their forces, under the impression that they had then strength enough to take up the bill out of its order, and pass it to a third reading.

Mr. Pope moved to take up the bill on its second reading.

This motion was opposed by Mr. Teese, on the ground that it was unjust to postpone other business for the purpose of taking up a private bill of this character. There were, he said, thirty or forty bills on the calendar ahead of this; and among them was “Senate Bill, No. 1,” a very important public bill in relation to the closure of mortgages, one which the people were anxious about, and yet it had not been touched since it came into the House—but now this and all others must be postponed for this railroad bill. The friends of the measure imagined they had enough votes to pass the bill now, and for this reason they were trying to run it through in this manner.

Mr. Pope said, in reply to a remark by Mr. Teese, that he intended to move the previous question, to cut off debate, “*every pop.*”

Mr. Slaight moved to amend the motion so as to take up Senate Bill, No. 33.

This was opposed by Mr. Pope and Mr. Bond, and the Speaker (Mr. A. H. Peterson,) calling Mr. Marsh to the chair, came down upon the floor to aid in forcing the bill upon the House.

Motions to amend, and motions of order were made and voted down for the time, and Mr. Speaker Patterson finally moved the previous question, which was ordered. Motions to adjourn, to call the House, &c., were then made, one after the other, until the Speaker again took the chair for the purpose of ruling them out of order. He decided that all the motions after the previous question was ordered, were out of order, and that the vote must be taken on taking up the bill. Under



ing, a vote was taken, and the House agreed to take up the bill. This vote, ever, resulted in nothing, as, after two or three attempts, the House adjourned about reading it.

he course pursued by the Speaker, in leaving his chair to aid in forcing this through, and then resuming it and, in the teeth of precedent, reversing the of the Speaker *pro tempore*, for the same purpose, scarcely needs comment. showed that the Hoboken managers could not have had a more serviceable man the place if they had chosen him themselves.

he next morning, (Friday, February 28), as soon as the morning routine had gone through, the Speaker announced that the Hoboken bill would be n up.

r. Teese moved to make it the special order for the following Wednesday. r some debate, he consented to modify his motion so as to make it the order of lay for Tuesday, and in that shape the motion was agreed to. The House then rned to Monday afternoon.

otwithstanding some of the leading spirits of the Camden and Amboy Company denied that their company was interested in this Hoboken bill, their assertions constantly contradicted by the active interest displayed by themselves and all well known corps of agents and lobby-members. On Monday the town was with them. Officers of the Camden and Amboy Company, from Directors to uctors, thronged every public place, and every effort was put forth for the ng struggle on the morrow.

Tuesday morning (February 28), it was understood that the Hoboken bill d not be taken up until afternoon, and the morning session passed over without occurrence of moment. When the House assembled in the afternoon, it was to see that the public interest was greatly excited. The gallery and the lobby d densely crowded with an anxious audience—orderly but deeply interested. nent in the lobby, and scattered among the members' seats on the floor of the e, were many active and prominent agents of the monopoly, and such was hardihood, that in some instances they occupied the seats of the members. tarr, of Gloucester, drew attention to this, soon after the House was called to , by offering a resolution to exclude from the space within the bar all but ers and officers. The influence exerted by the drill-sergeants, so judiciously d among the members, was shown by the rejection of this resolution, which eally only for an enforcement of the standing rule. The bill was then read gh, and taken up by sections.

e first section being under consideration, Mr. Teese moved to amend so as to et the right of the company to construct branches to the city of Hoboken and ownship of Weehawken; and to strike out that part allowing the construction nches "to as many points in Newark" as they may deem proper.

e amendment was opposed by Mr. Bond, and advocated by Mr. Teese. Mr. "hoped the motion would not prevail," and it was lost—16 to 34.

. Slaughter moved to amend so as to provide that the railroad should not cross treet in Jersey City without the consent of the Common Council having been btained. Lost—16 to 33.

. Ball moved to amend so as to provide that this company should not take or e bridges of the New Jersey Company unless prevented from constructing es of their own; then to use said bridges only during such legal prevention.

Pope said they were willing to accept this amendment, and it was agreed to.

Waldron moved to amend so as to limit the price of excursion tickets from rk to Hoboken and back to thirty cents. Agreed to.

Brinkerhoff moved to amend so as to forbid the company constructing any e over the Hackensack river. He said that a bridge over this river was



already authorized by law, and if this bill passed in its present shape, there would be two bridges within two hundred feet of each other. This would be a very serious embarrassment to the navigation, and he, therefore, hoped this amendment would be adopted. It was lost.

Mr. Teese offered an amendment that the Hoboken Company should take no part of the road or bridges of the New Jersey Company, except that part connecting the Morris and Essex road with East Newark.

Mr. Pope "hoped this motion would not prevail"

Mr. Teese said that he had but two serious objections to this bill: one was that it gave the company power to consolidate with any other company; and the other he sought to correct by this amendment. If this amendment should be adopted and the bill amended in the other particular specified, his objections would be removed. His position in reference to this bill had been much misrepresented. He was in favor of an *independent road from Newark to Hoboken*, and if this bill could be amended so as to afford this, he would withdraw his objections. And this, Mr. Stevens says, is all he wants. In his manifesto recently issued he says: "The only object sought by this bill is to connect Newark and Hoboken by an independent railroad, and only such enactments are desired as will attain that end."

That, said Mr. Teese, shall be my motto. I am not here as the advocate or the denouncer of any corporation, or city, or individual whatever. If gentlemen will scrutinize the amendment I have offered, they will see that this company is authorized to take one of the two bridges of the New Jersey Company over the Passaic river at Newark—if they will notice this, they will, perhaps, find that I am not overzealous in the cause of the New Jersey Company, and that I am entitled to some degree of credit when I say that my only object is to obtain a separate and independent road from Newark to New York.

I consider this amendment to be the most important of all. I believe that if it is not carried, and permission is granted to take the tracks of the New Jersey Railroad, *under any circumstances whatever*, the proper object of this bill will be defeated. By the bill, as it now stands, you will see that it says that this corporation shall not take the exclusive use of the bridge of the New Jersey Company, which it is plainly implied that they may take some part of that bridge. The first reason why I think this ought to be stricken out is, that Mr. Stevens, who it seems is the sole person interested in this corporation, does not desire it. In his manifesto he says that the amendment introduced in the Senate to the effect that no part of the road or bridges of the New Jersey Company should be exclusively appropriated under the act—seeming to imply that they might be partially appropriated—was not made by his suggestion or desire. He says that the power to lay out a new railroad from Newark to Hoboken, by necessary implication contemplates a new railroad and not an old one; and that the rest of the bill consists only of the details requisite for carrying out this principal idea.

Mr. Stevens plainly says that this proviso was put in the bill without his knowledge or consent, and his objection to it is that it might imply a power to take some part of the bridges of the New Jersey Company. I do not, I confess, understand exactly how Mr. Stevens or the friends of the bill can say that it is not to take a track of any other railroad; for by reference to the eighth section it will be seen that it plainly says that it shall be lawful for this corporation to run their engines and cars over the bridges and viaducts of any other company, whenever they may deem it expedient, *paying for the distance used* at the rate per mile per passenger and per ton of merchandise authorized by law.

That is plain English. If that does not authorize one railroad to take another, I do not know what words can do so. But yet Mr. Stevens says that he has such intention, and we are bound to believe what he says. Either he could not have read the bill, or he understands the English language in a different sense from that in which it is generally understood. He says it was put in the bill without his consent or knowledge; let us, therefore, take him at his word, and strike him from the bill. If any proposition can be made fairer than that, I should like to hear it.

My second objection to granting such extraordinary power to a corporation is that it is dangerous to grant it. Now who and what is the Hoboken Land and Improvement Company? I quote again from Mr. Stevens's own words: "The Hoboken Land and Improvement Company is the sole applicant for the road, and no other individual except myself is concerned in it directly or indirectly." *No other individual is concerned in this company, either directly or indirectly, save*



*Stevens alone!* This, sir, I should call something very like a one man power. His counsel not only avowed this to be true, but made the further startling announcement to me that we should grant this charter to Mr. Stevens, not only because he was the one sole person interested in the Hoboken Company, but because no other man or company of men under the sun can by any possibility build a railroad from Newark to Hoboken, except Mr. Edwin A. Stevens.

If a man cannot be convinced of the absurdity of such a proposition as this by the bare statement of it, then he would not believe though one should rise from the dead. I will pass it by with the single remark that I would rather New Jersey should be sunk to the depths of the ocean than that this should be true—that only one man in the universe could build a railroad from Newark to Hoboken!

I am willing that Mr. Stevens should have the privilege of building such a road, but I am not willing to confer the extraordinary power granted by this bill upon any man. Mr. Stevens has the most bitterly hostile feeling toward the New Jersey Company, and if he has the power, (I do not say that he will,) he may abuse it to the great detriment of the public. To show his feeling towards the New Jersey Company, it is only necessary to read his manifesto.

[Mr. Teese then read some extracts from Mr. Stevens's manifesto, in reference to the payments made to him on condition that he should not countenance the construction of any road from Newark to Hoboken—all the extracts showing a violently vindictive feeling against the New Jersey Company.]

Mr. Teese then continued: From the very first sentence to the last, the same vein of complaint runs through the whole paper—setting out, among other things, that the New Jersey Company had ceased the payment of what he calls “a just compensation of \$18,000 a year” to him, and showing throughout a fierce animosity against this company. Now, should we allow a man, who displays such a feeling, to place his foot upon the throat of his victim; should we grant him this power for evil, even though he himself tells us, as he does, that he don't want it. Besides, it is unjust and unnecessary. In the first place we enact that they may build independent bridges: my amendment goes further and gives them the privilege of one bridge already built. By this bridge he has a road over the Passaic, and in addition to that we now enact that he shall have the power to build bridges over both rivers, upon paying to the owners of the right a just compensation for their franchise, if they have any. After admitting by our own act that we have the right and power to allow him to build these bridges, why should we go further and compel others to grant their consent, or place any other impediment in the way of that grant?

We have heard from some of the friends of this bill, that there can be no danger in allowing the engines and cars of this Hoboken Company to run over the New Jersey road, because the Central and Erie cars now run over it. This argument amounts to nothing at all; the cases are not parallel. In the one case these cars are run in pursuance of an agreement, and all in obedience to the rules and regulations adopted by the company owning the road. It is proposed by this bill to allow a rival corporation—the property of a violent enemy—to run its engines and cars according to their own regulations, and without any provisions to prevent danger, collisions, and the death of passengers. But I will not argue this. It is also said that Mr. Stevens will make compensation to the New Jersey Company for all of their property he may take. But he does not purpose to pay for the road from Newark to Jersey City, but only for so much as he may take. Suppose he takes three hundred yards; who is to assess three hundred yards of a franchise? Is this not ruinous to the New Jersey Company? Who would wish to ride over a road, on which, for even three hundred yards, he was liable to be met by another engine belonging to a rival company?

The New Jersey Company do not recognize Mr. Stevens's claims, have no contract with him, and now this bill gives him the power to use their road without asking their consent. Mr. Stevens, in the long list of complaints with which his manifesto is filled, shows plainly enough the bitterness of his hostility to the New Jersey Company. Will the legislature give to a man thus embittered against this company the power to destroy their property and ruin hundreds of stockholders? Last Thursday, when there was a mere skirmish on this bill, the effect was to cause the stock to fall ten per cent. in the New York market; pass this bill, and what then will be the loss on this property? Do gentlemen consider that this bill may rebound in this way? Do they think of the misery that may be caused by their act? We should think of it before we grant such powers to any body.



Admit that you have the same right to take a franchise by appraisement that you have to take a farm; still ought we, as honest men to allow the same privilege of running over a railroad track as over a farm! If you take a man's farm you can compute its value in dollars and cents—but who shall calculate where the damage is going to stop if you pass a law of this kind? No man can tell where it will end, nor who may be injured by it. And now we are told that this thing can all be arranged yet, if the New Jersey Company will agree not to bring an injunction to try their rights! In consequence of what Judge Grier calls "the suggestions of the legislature" the New Jersey Company have paid \$180,000 for this franchise, in pursuance of your own act, your own laws yet on the statute book; and now because this company have the audacity and assurance to go to the courts to ascertain what are the rights for which they have paid this large sum of money—for that reason their franchises, their bridges, their road shall be taken from them! This is monstrous! We live in a land of laws where every man has a right to appeal to the courts to secure his rights, and yet we are to say to this company that if they appeal to the courts, that is a sufficient reason why Mr. Stevens should take their road—"or so much thereof as he may deem necessary"—though it must result in wide-spread ruin and disaster.

Who is it that is all at once so fearful of being delayed in the construction of this road from Newark to Hoboken? There has been a great railroad revival in Newark lately; we go to New York and back twenty or thirty times a day. But we find in the lobbies of the legislature, men from almost every county from Cape May to Sussex, appealing in the most agonizing terms for a new railroad from Newark to Hoboken; and not only are they deeply interested in having this road, but they must have it at once—these gentlemen living in distant parts of the state, and who seldom or never have occasion to use this road, cannot wait, *they* must have it at once, and if the New Jersey Company dares to say one word in opposition to it, the penalty shall be, by the law of the land, the forfeiture of their railroad! Now how much anxiety has Mr. Stevens himself shown for this road? He says that he procured the insertion of a clause in the charter of the New Jersey Company, by which a branch to Hoboken was provided for, and so long as seventeen years ago, by the terms of that clause, he himself possessed the right to build this branch. Was the road built? No; Mr. Stevens made an arrangement by which the New Jersey Company paid some \$18,000 a year—not to the state or to the people of Newark, but to Mr. Edwin A. Stevens—and the road was not built, Mr. Stevens preferring to receive that very comfortable annuity.

A few years ago another bill was passed, by which Mr. Stevens can build this road from Newark to Hoboken if he wishes to do so, but he has not built it, or made any commencement of its construction. And this is the man who is in such haste to "add to the facilities of travel between Newark and New York," that he cannot even await the decision of the courts! Is such a man entitled to any great consideration at the hands of this legislature?

But the true object of this bill is apparent, and I commend its advocates for telling us their real object, which is to break down the New Jersey Railroad Company. It is not to build up, it is to pull down. Mr. Stevens says: "It is true power is given to take, use and exercise such property, franchises and bridges as may be necessary for the purpose of constructing the proposed road—but only as a means to that end." That is to say—a highwayman places a pistol at the head of his victim, not to take his life but to make him give up his money. Power is asked for and given to take the property of this company, but to be used only in the event of their refusing to let him pass. He wants it as a club over their heads.

What I and my constituents want is an independent, rival road—we do not want to break down one company, but to build up another. I do not care if they are within a hundred feet of each other, but I will never consent to allow two rival companies to run over the same rails.

Mr. Slaight said that it was possible that a majority of members had expressed their intention to vote for this bill, but this need not preclude them from voting for proper amendments, such as this is. If this amendment should be adopted the company could still build their road with all the necessary bridges; it only prevented them from taking the road and bridges of other companies. He had himself no objection to a road from Newark to Hoboken, but that was no reason why he should vote for granting such extraordinary privileges as were incorporated in this bill.

The advocates of this bill pretended that the reason for asking such unprece-



anted grants of power was that the New Jersey Company claimed to own the exclusive right of bridging the Passaic and Hackensack, and would prevent the construction of a road under an ordinary charter. But they have a right to test the matter in the courts, and the legislature should pause before, by the passage of such a bill as this, they deprive them of this right, guaranteed by the constitution.

Mr. Bond (of Essex) said that the bill as it stood, without the amendment of his colleague, (Mr. Teese,) granted the powers necessary for the construction of a road from Newark to Hoboken, and the amendment might embarrass the bill. He hoped, therefore, that it would not be adopted.

Mr. Dobbins (of Burlington) said that it had been brought forward as an argument that power was always given to railroad companies to take a man's farm. The cases were not parallel—a man and a railroad company were not equal; if it was proposed to give to one man the power to take another's farm, to cultivate it as a farm, then the argument might have some force. Mr. Dobbins then stated the nature of the bridge rights held by the New Jersey Company, and briefly referred to the history and operations of the company, contending that the company had fulfilled their duty in the premises, had used every endeavor to accommodate the people, and were justly entitled to protection in all the rights they possess. In conclusion he said: If the New Jersey Company does not possess a monopoly, where can be the necessity for granting such extraordinary powers as are conferred by this bill? and if they do possess a monopoly, has the legislature right to deprive them of it? Can they be deprived of it except in due course of law? Gentlemen should reflect where this doctrine would carry them. If they now laid it down as a rule that new railroads were to be granted without reference to grants made by previous legislatures, he trusted they would be consistent, and appeal to this doctrine when other applications came up and other interests were involved.

Mr. Teese's amendment was defeated by the following vote:

*Yeas*—Ayres, Booraem, Brewer, Brinkerhoff, Cooley, Dey, Dobbins, Freeman, Hall, Hopper, Ivins, Lippincott, Mayhew, McCracken, Shoemaker, Slaight, Starr, Stokes, Teese, Vanhorn, Wheeler, Wood—22.

*Nays*—Abbott, Applegate, Arrowsmith, Ball, Banghart, Barcroft, Bennett, Bond, Carter, Cole, Condit, Crozer, Decker, Denson, Drake, Graham, Habermayer, Hale, Horton, Larzalere, Mackerley, Marsh, Mount, Mulford, McNinney, J. Patterson, H. Patterson, Peckham, Pope, Reeves, Rusling, Sooy, Stafford, Stagg, Waldron, Mills—36.

*Absent*—Schomp.

One vacancy.

The section was then agreed to, and also the second section—giving power to enter upon lands, &c.—without amendment.

The third section, which provides for ascertaining the value of lands, bridges, &c., by contract, or by appraisement, with a right of appeal to any Judge of the Circuit Court, was, on motion of Mr. Teese, amended by substituting the Chief Justice\* for Judge of the Circuit Court. Section fifth, providing in the same manner for ascertaining the value of rights, privileges, franchises, &c., on motion of Mr. Slaight, was similarly amended.

Mr. Slaight moved to amend the sixth section, by providing for a review of the proceedings of commissioners, by the courts.

Mr. Pope "hoped the motion would not prevail."

Mr. Slaight said that this argument of the gentleman from Passaic (Mr. Pope) could no doubt be a sufficient reason for defeating the amendment just proposed. Bringing all the proceedings on this bill that reasoning had been found most potent; and only been necessary for the gentleman to rise in his place and say, "I hope that that motion won't prevail," to defeat amendments the most reasonable and necessary, and he supposed that it would continue to exert an all-powerful influence. The amendment was lost—27 to 29.

Mr. Slaight moved to add a clause that the Supreme Court, in proceedings under this bill, shall have power to order special juries and grant new trials, and their proceedings shall be subject to review and removal by writ of error as in other cases.

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\*By an act subsequently passed, the Chancellor was substituted for the Chief Justice.



Mr. Pope "hoped the motion would not prevail." For his part he did not like these amendments.

Mr. Slaight said he supposed that as usual this powerful reasoning would be found potential to defeat his amendment—an amendment not intended or calculated to embarrass the bill, but one necessary and usual; it would simply place this corporation in the position of every other corporation and person. Certainly there could be no good reason for excepting this Hoboken Company from the operation of the law.

After some further debate, the vote was taken, and the amendment was negatived—22 to 31.

Mr. Slaight then offered an amendment providing that if commissioners shall determine that any franchises, bridges, roads, or other property shall be taken by this corporation, then a trial may be had, with all the rights to which parties are entitled.

Mr. Pope "hoped the motion would not prevail," and it was defeated—17 to 31.

Mr. Teese moved to amend the eighth section by striking out that clause which gives this company the power to connect their road with that of any other, and to build all the branches, tracks, &c., necessary to form such connection.

This was opposed by Mr. Bond, and was lost—23 to 35.

An amendment proposed by Mr. Waldron, limiting the eighth section in the same manner as the first, was adopted.

The ninth section, making it lawful for this company to make contracts with other companies, and to lease or sell their works, was, on motion of Mr. Bond, so amended as to prohibit any union with the New Jersey Company, or to form any connection with it, except that they shall have the right to take the Morris and Essex bridge over the Passaic, and to cross the bridge of the New Jersey Railroad over the Hackensack.

Mr. Slaight moved to strike out that part of the section giving this company the right to consolidate their road with that of any other company. He said the power conferred by this portion of the section was extraordinary and exorbitant—such as the state should not grant to any corporation, for it was leading the way to a consolidation of all the railroad interests of the state in the hands of a single company—and such consolidation it was the duty of the legislature not to encourage, but to prevent. Our state had already a notoriety among her sister states as a railroad-ridden community, and this bill, if passed, must deepen that stain upon her fair fame. His amendment was designed to prevent the consolidation of this company with other corporations already so powerful as to exercise great influence over legislation and the state.

Mr. Teese said that this bill was of an unusual character. It comes here as a supplement to a company chartered to improve land—not to build or operate railroads—and now it is proposed to change this land company into a railroad company. This bill is in effect, and in fact, a railroad charter, and a charter in which no incorporators are named—giving to the owner of the Hoboken Land Company, in other words, to Mr. E. A. Stevens, authority to construct a railroad, to take the property and franchises of other companies in doing so, and to consolidate with any other railroad. This was an unprecedented grant of power, and the amendment was designed to restrict it—to confine this Land Company within ordinary limits—and he therefore hoped it would be adopted by the House.

Mr. J. Patterson (of Monmouth) said that the course pursued by the gentleman from Hudson (Mr. Slaight) and Essex (Mr. Teese,) was calculated to deprive them of their influence. It was well known that he was opposed to all monopolies, but this bill he believed was asked for by the people and he should vote for it.

Mr. Graham denied that he was influenced by any one in his course in supporting this bill, and he repelled the charge that any unfair influence had been used in its favor. New Jersey had been called a railroad-ridden state; he gloried in the name; it had been a fortunate thing for her; see where she stands in comparison with Pennsylvania and other states. He supported the bill in good faith, because it was asked for by the people.

Mr. Mayhew said there seemed to be a determination on the part of the leading friends of the bill to allow no amendments to be adopted except such as the opponents dictated or agreed to; no matter how fair, how just, how necessary, shared the same fate. The amendments offered were, in his judgment, such as should have been not only offered but incorporated in the bill, and if they had been proposed by others he should have moved them himself.



Mr. Slaight's amendment was lost—22 to 23.

Sections ten, eleven and twelve were agreed to without amendment. Section thirteen provides that whenever the company shall divide seven per centum per annum net profit, then a tax of one-half of one per centum shall be paid as tax to the state. This Mr. Mayhew moved to amend so as to levy the tax upon the "whole cost of the road and equipments." Lost.

Mr. Teese moved to amend by providing that the officers of the road should, after its completion, make a sworn statement of the proceeds of the road. Lost.

Mr. Slaight then offered a new section, providing that this railroad should not occupy any street or streets in Jersey City, except where it crosses the same, without first obtaining the consent of the city government. Lost—22 to 31.

Mr. Slaight then moved an amendment that this corporation should not take the franchises or other property of any other corporation without their consent, unless the Camden and Amboy Company shall, within fifty days after the passage of this bill, file their consent to the construction of another railroad across this state.

Mr. Slaight said that this amendment would test the sincerity of gentlemen who professed that they supported this bill because they were in favor of granting railroads asked for by the people, whether they conflict with the interests of other companies or not. He should like to speak at length on this topic, but as it was growing late, and as all were fatigued by this long session, he would like to have another opportunity, and he therefore moved the House adjourn. Lost—19 to 37.

The bill was then agreed to, the amendments ordered to be engrossed, and the bill to have a third reading, without a division.

Thus this bill was at length passed through the preliminary stages, and the amendments ordered to be engrossed for a third reading, without being amended in any essential feature. We trust that the reader has carefully perused these proceedings in the Assembly on a second reading. Amendments the most reasonable; some necessary to the safety of the lives of passengers on these roads, others needed to protect rights and interests guaranteed by the state, were voted down, without argument or consideration, at the word of command from Mr. Pope: "I hope that 'ere motion won't prevail!" Was there ever a legislature in New Jersey so glaringly obedient to the dictation of the managers of the Camden and Amboy Company? Let the people see to it that we do not have another such!

How these things were done; how some members were kept up to the sticking point; how others had their views entirely changed; the negotiations at NUMBER TEN, and the skilful manipulation to which members "open to conviction" were subjected, it is no part of our purpose to relate. We simply wish to present facts and documents taken from the record, open to the inspection of all, and about which there can be no dispute. A simple narrative of the proceedings is the best exposure of the successful intrigues of the Monopoly Managers who superintended the passage of this bill; and the man who can read these proceedings without a blush of indignant shame must be lost indeed to all those feelings of state pride which should be cherished by every son of New Jersey.

Having passed through this stage of the proceedings without any amendment, or even any verbal alterations, except such as were proposed by its friends after the approval of the applicant or his agents, no time was wasted in putting the bill through the remaining forms of legislation. At the opening of the session next morning, (Wednesday, February 29,) the bill was reported, with the amendments "correctly engrossed," and placed upon the Speaker's calendar. Late in the morning session the bill was taken up and read through, together with the amendments, and the Assembly then adjourned until afternoon.

When the House met at 3 o'clock, the bill was at once taken up, and the question "shall this bill pass?" was put by the Speaker.

Mr. Slaight said that he did not suppose that anything that he could say would have any effect upon the vote upon this bill, but he intended to oppose it, and



should state the reasons which actuated him in pursuing that course. He was in favor of Free Railroads. Whenever a bill to charter a railroad—containing no objectionable provisions—came before the House, he should give it his support; but if it contained objectionable features, and he failed in his efforts to remove them, then he should feel it his duty to vote against it. The bill now under consideration was full of most objectionable provisions. He had no less than fifteen objections to it, and these he should state to the House, as briefly as possible.

The company which is now asking for this supplement giving them authority to construct a railroad, was incorporated as a Land Improvement Company, and it was not good policy to grant such powers to a company of such a nature. There are laws regulating land companies, and others regulating railroad companies, and such corporations ought not to be connected with each other. This corporation, as the House has been assured in his own manifesto, is owned entirely by Mr. Edwin A. Stevens, and this bill grants him the power to build a railroad, and without the restrictions usually imposed in railroad laws. There is no provision for apportioning the stock, or for the appointment of directors or other officers—it is simply a naked grant of extraordinary powers to the Autocrat of Weehawken. By the peculiar provisions of this bill he can swallow up other railroad companies, and buy and sell generally as he pleases, without the consent of the legislature or of any power whatsoever.

The bill gives a land company power to take the property and franchises of a railroad company. This was his second objection. This was unprecedented. The power is sometimes given to a corporation of a public character to take private property, but he had never heard of one corporation being authorized to swallow up another, and to take their property and franchises.

His third objection was that it gives this company power to mortgage and sell the franchises which it may acquire by purchase or condemnation. We not only give Mr. Stevens power to take the property of the New Jersey Railroad or any other company, but the power to sell them out again. If it is, as alleged, necessary to carry out the purposes of this supplement, that he should have power to take the property of the New Jersey Company, why not stop there? Why give him the power to sell it again? That property is security for debts, bonds and mortgages; but no provision is made for the holders of these securities. Suppose a case of insolvency, what property and franchises would a receiver be allowed to take possession of? The property of the New Jersey Railroad, or the Hoboken Land Company, or the company to which it was sold by the latter? He hoped the gentleman from Passaic (Mr. Pope,) would give a satisfactory answer to these questions.

His fourth objection was that the bill gave Mr. Stevens power to acquire the control of all the railroad interests of the state, and through that means seriously effect the legislation of the state. If all the railroad interests were consolidated their power would become irresistible. We could see by the influence exerted now by one railroad corporation,\* what the power of the whole would be when concentrated and wielded by one hand—no man could stand up against it. The legislature should guard against such a dangerous possibility by every means in their power.

The bill constitutes a new court, consisting of three commissioners, unknown to the constitution, with power to take franchises and the most valuable property, without any appeal, for although the bill contained a provision for an appeal as to the amount of damages, these commissioners possessed the sole power to decide how much or what property was "necessary" and should be taken for the objects of this corporation. Thus a court wholly unprecedented in its character is established, solely for the convenience of Mr. Edwin A. Stevens, of the township of Weehawken. This was his fifth objection, and it alone ought to be sufficient to defeat the bill.

His sixth objection he would put in the form of two questions; the first to the gentleman from Passaic: If the Hoboken Land Company should usurp a franchise, against whom must the state proceed? Against the Land Company? To whom should she send a writ of *quo warranto*?

Mr. Pope.—I will answer that by issuing the Pope's bull of which you talked the other day.

Mr. Slaight.—Well if the Pope's bull can settle that I should like to see it, horns and all. Suppose they should take the property of the New Jersey Company; then the company exists but the property is gone. His second question, which he would put to his colleague (Mr. Peckham,) was this: What becomes of the Board of Di-

\* The Camden and Amboy Railroad Company.



rectors of the company that may be acquired by the Land Company, and what becomes of the duty of that company? If this corporation takes the property of the New Jersey Company, who will be liable for the taxes and transit duties now paid by that company? He hoped his colleague would answer this. [Mr. Peckham made no reply.]

A seventh objection was, that the Land Company, by this bill, have a right to declare the tunnel through Bergen Hill a part of their road. They may not only confiscate the property of the New Jersey Company, but they take this tunnel, the property of another company. The eighth section of the bill confers this right. [The section was read by Mr. S.] This Bergen tunnel was a public highway. Misrepresentations had been made that it was not, and that E. A. Stevens was the only man who could get through it, and consequently must have this charter. It was true that their charter made it a private way, but the legislature, in 1858, altered this, and made it a public highway, upon which every one could pass upon paying the tolls prescribed by law. Now if Mr. Edwin A. Stevens is the only man who can get through the tunnel, he should like to know why he is the only man. Gentlemen have spoken of a secret contract between Mr. Stevens and the Long Dock Company (the owner of the tunnel,) by which he has the exclusive right to use that tunnel. If this was so, he wanted to know it, and not work in the dark. The legislature is asked by this bill to confirm this contract, and if they are willing to do it let them do it with their eyes open—let them go on, knowing that they are liable to injure others, and create a dangerous monopoly ten times worse than the bridges over the Passaic and Hackensack ever were or could be. We are to confirm a contract of which we know not a word—which may be for illegal purposes, or which may repeal laws passed by the legislature—and the effect of which, presumably, is to create a monopoly of the Bergen tunnel, in direct contravention of the laws of the state.

His tenth objection was that this bill was in contradiction of the settled policy of the state. Heretofore New Jersey had been honorably famed for adherence to her contracts. Now we were changing our policy. If this new policy was to be general, and monopolies were to cease to exist, then he would say amen to it. The Camden and Amboy and some other companies, had monopolies under which the people had groaned for years, but the state would give them no relief—would make no change. If we were now going to change front, let the policy be reversed throughout, and the monopoly of the Camden and Amboy Company be repealed.

The next objection was, that the bill made invidious distinctions between cities. Newark and Hoboken were given the right to regulate the construction of the railroad through their streets, while this right was denied to Jersey City.

His twelfth objection was that it gave power to this land company to build as many spurs and branches from their road as they may deem proper. This was unusual, unfair and unwise: under this clause they might cover the whole of Hudson and Essex Counties with a network of railroads.

His thirteenth objection was to the power granted to run the engines and cars of one railroad upon the tracks of another. This power was not desired even by those most clamorous for an independent road, and should not be granted.

The fourteenth objection was that this bill would increase the power of a giant monopoly, now extending to some fifteen counties, and would place another quarter of the state under its control. This company—the Camden and Amboy—instead of making provision for their debts, or of paying the dividends they might have paid, have used their money to buy up or build other roads; and now, besides their main road and all its branches, it is said they own or control the Morris and Essex road. Such great corporations were always dangerous, and the legislature should be careful how they extended their power. The gentleman from Camden (Mr. Graham,) had said yesterday that he did not think the Camden and Amboy Company were interested in this bill, and had asked—"Where are they?" Well, where are they? Look around the lobbies; look within the bar of the House, among the seats of the members; see them there, and see their influence in every step of the legislation on this bill! If this company feels no interest in this bill why are its prominent managers here urging it through? Why is the historic *Number Ten* in full blast? Why is *Number Seven* at the American Hotel rivalling that notorious apartment? Why is there at the State Street House a similar establishment? Why is every public place crowded with the agents of this monopoly, all urging this Hoboken bill with all their influence? It is ridiculous and absurd to say that the Camden and Amboy Company have no interest in the passage of this bill!



The fifteenth objection which he should make to the bill, was that the pretended limit of the time within which it must be built was deceptive. If any legal difficulty was interposed the company was relieved from all limitation. This may not have been intended, but any one who would look at the twelfth section would see that it was so. If a suit was brought against the company, even in a Justice's Court, it would have the effect of giving them as long a time as they chose to take, in which to build the road.

He had thus stated his objections as briefly as possible, and now let us consider who are the parties in this matter. The bill is demanded by the Hoboken Land Company, the Camden and Amboy Railroad Company, the Delaware and Raritan Canal Company, the Morris and Essex Railroad Company, the city of Hoboken, and the seventeen voters of the township of Weehawken. These parties, now all consolidated into one interest, demand this bill. It is opposed by the Bridge Proprietors, the New Jersey Railroad Company, and the People of New Jersey. Everybody understands why the New Jersey Railroad Company (which includes the Bridge Company), should go against it. It is intended to deprive them of their property—it was planned for that purpose, and it will do it. It is intended to depreciate their stock, and it will do it—it has done it. It was perfectly natural that they should resist, and they had resisted.

But the people of New Jersey are also resisting this bill. They are resisting it by petitions, by the minority upon this floor, and by their representatives in the galleries and lobbies of this House, as they have fought against this Camden and Amboy Company in past years. The gentleman from Monmouth had complained last night that there was applause from the lobbies whenever anything was said against that company, or against this measure—that applause came from the hirelings of no corporation; it was from the people of the state, represented in the galleries and lobbies, protesting against the passage of this bill. The New Jersey Railroad Company was comparatively a feeble company. It had a railroad of only about thirty miles, with one mile of ferry; their capital does not exceed four million dollars, but the company against which they and the people are fighting, extends over the whole state. They have their ramifications in fourteen or fifteen counties, and if hirelings are needed, they can send them here, and they are here.

Mr. Pope (of Passaic). I have a few remarks to make about the gentleman from Passaic. The gentleman is here to-day the advocate of no particular railroad. He is here to-day to represent Passaic county, and I want you to look, gentlemen, at the first man that ever run a locomotive in New Jersey. I have run it and for that reason I go it. I go it on account of my being the first man that ever run an engine in this state, and I am going to run her through to Hoboken, and then I am satisfied.\*

Mr. Bond said that when the gentleman from Hudson (Mr. Slaight), charged that this road would or could be consolidated with that of any other company in this state, he must have neglected to read the ninth section—that section provided that it should not be consolidated with the New Jersey Road, and with none except such as run into or through the counties of Essex or Hudson. That, he thought, disposed of that objection. He admitted that Mr. Stevens was the only man who could build a railroad from Newark to Hoboken, because the New Jersey Company had a contract with the Long Dock Company by which no one should run through the tunnel except the New Jersey and Erie Railroad Companies.† Mr. Stevens, by the charter of the Hoboken Land Company, had the right to run through the tunnel, and was thus the only man who had the power to construct the road.

Mr. Graham (of Camden), said that in the charter of the New Jersey Road provision had been made for a branch to Hoboken, but it had not been found practicable to have it built, the New Jersey Company paying instead some \$18,000 a year to Mr. Stevens as compensation, and in spite of all efforts, up to this time there was no road from Newark to Hoboken. He was not here the advocate of any railroad company; but he should vote for this road because it would accommodate the people of Newark and Hoboken. It would not deprive the New Jersey Company of their property, and would not permanently depreciate their stock. The people wanted this road, then why not give it to them; he was here to legislate for

\* Mr. Pope was the leader of the party favorable to the bill. We therefore give his ARGUMENT in full and verbatim.

† By reference to Mr. Slaight's speech and to the law, it will be seen that the tunnel is a public highway and cannot be shut up to all except one or two companies, unless the contract with Mr. Stevens, blindly confirmed by the legislature, shall have the effect of closing it to all except the contracting parties.



the people, and not for the New Jersey Company or the Hoboken Company, and where the people wanted railroads he was willing to grant them. He did not think that it was any valid objection that this road would be built and owned by one man; on the contrary, he thought it was very fortunate that a man could be found sufficiently public-spirited to construct such a road—the greatest difficulty generally was to find men with capital willing to build railroads after charters were granted.

Mr. Mayhew said that all the friends of this bill agreed in saying that no man on earth save Edwin A. Stevens alone could build a railroad from Newark to Hoboken; now it seemed to him that almost any man could build such a road if the legislature gave him authority to take all the “roads, bridges, franchises and other property” of other companies that he may deem necessary. With such powers as these it seemed easy enough to build a road almost anywhere.

Mr. Stevens had, years ago, secured the power to build a railroad to Hoboken, but notwithstanding his great regard for the wants of the dear people, he had held it for seventeen years without even commencing it; preferring to receive \$18,000 a year for letting it alone—for doing nothing. Subsequently he procured authority to extend the Morris and Essex Road to Hoboken. This he had held for some years, but had not attempted to build—now he comes here and asks, a third time, for power to build a road to Hoboken! And not only for that but for power to take the road and bridges of another company. He has already the privilege of building a road from Newark to Hoboken, and it would be an outrage to now give him the power to destroy another company, and to destroy its property.

He objected to multiplying railroad charters in one section of the state while another was left almost entirely destitute of such facilities. And the very men who are applying for this bill are the men who have opposed all roads in West Jersey and prevented their construction. [Mr. Mayhew then stated, at some length, the efforts that had been made to secure a road in West Jersey, and the manner in which they had been defeated by the influence of the Camden and Amboy Monopoly.]

In conclusion, Mr. M. said that he had been told that if he opposed this bill it would kill him politically. He did not fear that. He was born upon the soil of New Jersey and at all events, if he fell in this cause of resistance to the monopolists, he would die there.

Mr. Peckham spoke in favor of the bill, contending that it was the duty of the legislature to extend to Hoboken the same facilities of travel that were given to other towns and cities. Hoboken would soon become a city of great importance, provided the legislature grants what is asked for the individual what is talked about. [Applause and laughter.] I like that, it gives me courage to go on. Hoboken is now a great city. [Laughter.] Yes, gentlemen may laugh, but I tell them that Hoboken is on the west side of the Hudson river! [Uproarious laughter from all parts of the House.] In this style Mr. Peckham went on for half an hour, reading from a manuscript, when he lost his place so often as to render his remarks quite incoherent. The above sample of his *argument* will probably be enough for the mental digestion of our readers.

Mr. Dobbins stated his objections to the bill. The district he represented did not possess the facilities for travel and transportation that were possessed by other districts, and the reason of this was that certain vested rights were held by certain corporations. But he was glad to find that a new policy was now to be adopted, and that hereafter the people were to have free railroads. But he could not support this bill, because it would deprive other parties of rights guaranteed to them. It had been said that the New Jersey Company possessed no exclusive privileges: this was so, why do the friends of this bill come here and ask for power to take from them these rights, franchises and privileges. If these men who are now so anxious for this road had possessed the necessary enterprise, if they had had the energy of the men who cut through the Bergen rocks, this branch would have been built seventeen years ago, for Mr. Stevens says in his manifesto that his brothers and himself insisted that a clause should be inserted in the charter of the New Jersey Company for a branch to the Hoboken ferry, but instead of building it they drew money from that company and had received from that company about \$300,000, as a consideration for *not* building the branch. These are the men who are now in such haste to secure a road to Hoboken.



Mr. Pope said that as this bill had been very fully discussed, and as it was now late, he would move the previous question.

At the request of Mr. Teese this was withdrawn.

Mr. Teese said that he had not intended to make a speech—what he had to say he said yesterday. He had then endeavored, not to kill the bill, but to amend and perfect it. In this he had failed, and now he only wished to call attention to one or two points alluded to in the course of the debate. It was said that all would be well if this new road could cross the rivers. What prevents them from crossing? The law. That is the power, and this bill is to destroy this law, and to give to a company consisting of one man, and he, by his own statement, a bitter enemy to the New Jersey Company, the power to take the property of that company—for the bill gives the power to take not only bridges but the road. A plausible amendment had been inserted in this bill, by which it is made to appear, at first sight that this corporation will not take the bridges unless legal obstacles are put in the way of constructing bridges for themselves. But what does this amount to? Is it supposed that the New Jersey Company will tamely submit to such a bill? They can obtain an injunction against this bill, as well as against others, and if they do so, then the bridges and road of the New Jersey Railroad Company are to be taken. He considered this one of the most iniquitous bills ever before a legislative body.—He had opposed it, and should continue to do so to the last.

Mr. Ball said that he should give his reasons for voting for the bill very briefly. He was in favor of opening every avenue to the great market of New York. The construction of this road would open this avenue by its connection with the Morris and Essex, to all the northwestern part of the state, as well as to Newark and other places. The bill was not what he would have had it, but since the adoption of the important amendments proposed by himself and others, he thought that it would interfere with the rights of no other parties, and that it should be passed.

The bill was passed, as follows:

*Yeas*—Abbott, Applegate, Arrowsmith, Ball, Banghart, Barcroft, Bennett, Bond, Carter, Cole, Condit, Crozer, Decker, Denson, Drake, Graham, Habermayer, Hale, Horton, Larzalere, Mackerly, Marsh, Mount, Mulford, McNinney, A. H. Patterson, J. Patterson, Peckham, Pope, Reeves, Rusling, Sooy, Stafford, Stagg, Wardron, Wills—36.

*Nays*—Ayres, Booream, Brewer, Brinkerhoff, Cooley, Dey, Dobbins, Freeman, Hall, Hopper, Ivins, Lippincott, Mayhew, McCracken, Shoemaker, Slight, Star, Stokes, Teese, Vanhorn, Wheeler, Wood—22.

*Absent or not voting*—Schomp.

Thus the bill was passed through both Houses—substantially in the same shape in which it was first introduced; for although amendments were made at different times, they did not effect the principle of the bill—which was to authorize one company to take the property of another—to confer upon one man extraordinary powers that he might punish or ruin a corporation that had offended him by refusing to continue an annual subsidy of eighteen or twenty thousand dollars, paid to him for doing nothing! This principle was not effected by any of the amendments, for they were so ingeniously framed as to meet special objections without improving the general character of the bill. In short, the bill, as it was originally framed, went directly to the mark, and in plain words gave to Mr. Stevens the power to seize the property of the New Jersey Railroad Company, and after it was amended it went indirectly to the same end, and, in more words, and in a more obscure phraseology, gave to Mr. Stevens the same power.

The bill having passed the House, was sent back to the Senate. It was taken up in the afternoon of the following day, (Thursday, March 1,) when a debate was had upon concurring in the amendments made in the House. The Senators who had supported the applicant all through, were now anxious for the concurrence, but others, not operated upon by the same influences, could not see that the amendments made the bill any more just or satisfactory; and indeed, were of the opinion that some of them rendered it still more objectionable. Of this debate we present



only an abstract, the arguments for and against the provisions of this act to vest in Mr. Stevens supreme powers over the railroads of the state having been quite freely presented in the previous pages.

The debate was opened by Mr. Buckley, of Passaic. He said that he had voted for the bill on its final passage, but did not approve of all its provisions. He was not aware who had presented these amendments, but they had changed in many respects the original bill. It was a question whether or not they were improvements. He had failed to discover any merit in some of the amendments. The first amendment, fixing the price to be charged for conveying passengers was a good and wholesome one. The second amendment, he did not approve of. It destroyed the effect of a portion of the bill. He could not conceive the object of this amendment, unless it was to allow the Hoboken Company, in case they were prevented by any means from building their road immediately, to use the New Jersey road, until such difficulty was removed. He could not see the justice or necessity of this amendment. Is the Senate to be turned into a court of justice, to decide upon the rights of corporations? This was a matter for the courts to settle. It has been decided that no monopoly privileges are to be held sacred when they stand in the way of public need. He believed this amendment simply to be a whip to force the New Jersey road to accede to their wishes. He could understand it in no other way, and he could not therefore vote for it. It was unjust. The fifth amendment to this act he thought might have been very much improved. He could not say it was injurious, but its propriety was doubtful. Mr. Buckley then alluded to the section in relation to the right to sell, lease, or consolidate the road with any other companies.

This was the most objectionable feature of the bill, and he had hoped that the friends of the bill would have allowed it to be amended in such a manner as to render it less objectionable. Somebody had attempted to amend it, but it had not been improved. The New Jersey Railroad was made an exception to the rule, and that was all. Why this exception was made, he had been unable to discover. He thought the field for a road between Newark and Hoboken was one of much promise, that a simple, direct charter, should satisfy any parties wishing to build the road. There was no need of all these monstrous provisions. It had been said at all that Mr. Stevens wanted was such a charter. If this was true, why was a bill of this character presented? The other amendments he had no objection to, but those he had alluded to he considered no improvement to the bill. He should feel constrained to vote against them. He had been left free from outside pressure, and his action was the result of no outside conference or consultation.

Mr. Gifford, of Essex, (Norcross in the chair) regretted that he felt so unwell, when a bill of so much importance to the county he represented was being considered. He argued that the bill was drafted in honesty, and calculated to advance the interests of the state. Newark was once a small village. The people awoke in the morning and found their river bridged, and a turnpike constructed to New York. It was the occasion of great rejoicing. Yet we are now told, when we have become a large city, and our wants are greatly increased, that we cannot have any more facilities, because of this bridge contract. We are compelled to pay tribute to the New Jersey Railroad. It is true that road has done much for our section of the state; but we have also done much for them. We have supported and built them up, and now they wish to rule us.

Mr. G. then argued that the New Jersey Railroad Company had not acted only in the matter, and that no bridges would be built unless the exclusive privileges claimed by them were ignored. The amendments made in the House he thought were proper, and not fairly open to the objections urged against them by the Senator from Passaic, (Mr. Buckley.) They were intended to secure the construction of the road, and thus provide for competition in the travel between Newark and New York, and this was what was wanted by his constituents. What is wanted is power to build an independent road.

It had been said that the Camden and Amboy Company was interested in this bill; he did not know where the information came from—he knew nothing of it. He went for new railroads, and would support all such applications. "Bring up your Millstone and Delaware Railroad," said Mr. G., "and I will vote for it. I am under the influence of no monopoly. My record will show that I have acted consistently. I have voted for all railroads, and all special bank charters, that



have come up since I have been a member of either House. I shall continue to vote for them."

Mr. Buckley replied, claiming that these amendments did injustice to the New Jersey road. He was no friend of that road. He was opposed to all monopolies. This, in his opinion, tended to coerce the New Jersey Railroad to accede to the wishes of the monopoly.

After a further brief discussion between Mr. Buckley and Mr. Gifford, the vote was taken and the amendments concurred in.

The bill was then ordered to be re-engrossed as amended, and in ten minutes after the Committee on Engrossed Bills reported it to the Senate, and Mr. Westcott, of Hudson, moved to suspend the rules in order to take it up on its final passage.

Mr. Buckley remarked that this bill had been engrossed a little quicker than he ever before knew. He thought there was a little sharp practice used here.

Mr. Roberts admitted that they had the bill prepared beforehand for this purpose.

Mr. Moore moved to adjourn. Lost—6 to 15.

The bill was then taken up and read.

Mr. Buckley explained that there was one provision of this bill, which to him was very objectionable. That was the section that allowed the road to sell out, consolidate with other corporations.

Mr. Morris explained his position in relation to this bill. If he understood the bill rightly, he would be compelled to vote against the bill. He was in favor of an independent road, but he was not satisfied that this bill would secure that.

The bill then passed, as follows:

*Ayes*—Abbott, Ayres, Budd, Campbell, Everett, Gifford, (President,) Hendrickson, Moore, Norcross, Perry, Riley, Roberts, Stratton and Westcott—14.

*Nays*—Brown, Buckley, Cook, Demarest, Edmunds, Morris and Mowry—7.

The bill had now gone through all the forms necessary to make it a law, except receiving the signature of the Governor. It was known that Governor Olden had never favored increasing the power of the Camden and Amboy Monopolists, and it was believed that he regarded this bill with suspicion and distrust, and that in another position it would have received his hearty opposition. But believing that the veto power confided to the Governor was not to be exercised except to prevent the passage of unconstitutional laws, or of laws dangerous to the public welfare, and that on legislative questions it was not the duty of the Governor to thwart the action of the legislative bodies,—it was doubted whether the bill would not pass for want of his approval. He retained it for nearly the full time permitted by the Constitution, and on the last day sent it with his signature to the Senate where it had originated.

Thus this bill—properly characterized by one of the legislators as "a bill of abominations"—became a law of the state. The news of its final passage was received with indignation in all parts of the state, by all except that Swiss Brotherhood who stand always ready to support the power that supports them, and who are always most active and prominent in aiding in the extension of the power of the Monopoly at the expense of the people. The most prominent and influential newspapers, of all parties, united in pronouncing it an outrage upon the good faith and good name of the state, as an act intended to punish, if not to ruin, an independent corporation which had dared to refuse to pay homage to the great railroad power of the state, and as fraught with danger to property and life. Our space will not permit us to give extended extracts from these journals, but some, of general interest, will be given in another place.

After the passage of the Hoboken bill by both Houses of the Legislature, which the most palpable and even offensive agency was had by all the principal officers and employees of the Camden and Amboy Railroad Company, Mr. R.



Stockton sounded his note of triumph in a characteristic manifesto denunciatory of the New Jersey Railroad Company and particularly vituperative of Messrs. Jackson and Zabriskie. He first exhibited it in a broad sheet, and afterwards, as usual, in pamphlet form, the Board of the Joint Companies becoming parties to it, by passing a vote of approval.

To this violent phillipic, the committee of the New Jersey Railroad Company presented the following calm and dignified answer, clearly convicting the Camden and Amboy Company of complicity with the Hoboken Company, a fact which required more than ordinary audacity to deny.

ADDRESS OF THE DIRECTORS OF THE NEW JERSEY RAILROAD AND TRANSPORTATION COMPANY TO THE LEGISLATURE, IN ANSWER TO THE MANIFESTO OF MR. R. F. STOCKTON, APPROVED BY THE JOINT COMPANIES,

*To the Honorable the Senate and General Assembly of the State of New Jersey :*

GENTLEMEN :—Mr. Robert F. Stockton has seen fit to present a long manifesto to your Honorable Bodies, not one line or letter of which, except its introductory address, appears intended for you. It appears designed simply to make the legislature the medium of his vindication of the Joint Companies and his denunciation of us. It proposes or opposes no legislation, nor asks for any action whatever from your body. Hence we would have been fully justified in allowing it to pass without response, as a part of the light literature of the day ; but it acquires some consequence from its formal approval by the Directors of the Joint Companies, and its reference to our relations to them with whom we have a business contract until the first of January, 1869. But for this approval, we should have made no answer, though aware that there is some force in Mr. Stockton's declaration "that facts misrepresented, falsehood and slander often repeated and not contradicted, in time come to be received by the public as truth and history."

His chief grievance appears to be that two of our number, by their speeches before a Committee of the Senate, followed up by the publications signed by others of us, charge that the application of the Hoboken Land and Improvement Company has been made with a "*united design*" between that company and the Joint Companies.

It is true that we never entertained a doubt as to such *united design* between the Hoboken proprietor and the members of the Joint Companies ; and as if to remove all impressions to the contrary, the manifesto of Mr. Stockton seems intended by its tone and temper to confirm, by every sentence and paragraph, this reasonable conclusion.

The official relations of the parties, their conjoint action, and the fact that the proprietor of the Hoboken Land Company is also the President of the Camden and Amboy Railroad Company, clearly shows their identity of purpose ; and there is it, perhaps, a score of intelligent men in the state, who for a moment hesitate in their belief of it.

As we stated, Mr. E. A. Stevens, the Hoboken proprietor, is the President of the Camden and Amboy Railroad Company, and their largest stockholder ; Gen. Cook their President pro tempore, who, with S. F. Headley, chairman of the commissioners for the extension road by the back route, from south of the city of New Brunswick, via Milburn and Hoboken, is the free dispenser of season tickets on the Camden and Amboy Railroad ; Richard Stockton, their treasurer and chief financial manager, all intimate friends and coadjutors of Mr. Stevens, and a very large number of directors, officers, and subordinates of the "Joint Companies," and their tributary roads, have been in constant attendance upon the legislature, actively urging the Hoboken project. Mr. R. F. Stockton and Mr. E. A. Stevens themselves personally have been at Trenton together on the same business.

The manifesto itself admits that, "it may be true, that some of the friends of the Joint Companies, entertaining great personal respect for Mr. Stevens, and attached to him by the ties of consanguinity and friendship, have taken sides with him in the present controversy with the New Jersey Railroad and Transportation Company." This concedes the whole case. Are not the members of the Joint Companies attached to Mr. Stevens by the ties of consanguinity or friendship ? Have not most



of them on every occasion evinced the fullest sympathy and subserviency toward him? Have not numbers of them, as denounced in your legislative debates, joined by night and by day in the numerous congratulatory festivals which have celebrated every step of their triumphant trampling on the rights and property of our company; on the faith of the state solemnly plighted us; and on the free and equal legislation of the people, against the urgent remonstrances of an alarmed and injured community?

Surely the most open evidence is furnished of co-operation and congratulation by "the members of the Joint Companies, attached to Mr. Stevens by the ties of consanguinity or friendship." Mr. R. F. Stockton himself may not have been quite as conspicuous a participant in these scenes; still his *quo animo* is shown by his manifesto, and especially by his taunt at the discontinuance of Mr. Stevens's subsidy "that the stockholders of the New Jersey Railroad and Transportation Company will regret that they recklessly disturbed their contract with Mr. Stevens."

But it is not in the recent conduct alone of the members of the Joint Companies who are attached to Mr. Stevens by the ties of "consanguinity or friendship," that their "united design" is made manifest. As Mr. R. F. Stockton says of another matter, before and since the last election, schemes and projects were jointly planned for this purpose. The press generally referred often to the approaching contest arraying the parties as they have since been found contending. Prominent newspapers in the interest of the Joint Companies, and those known to be under the control of their large stockholders, boldly avowed it. Indeed, the project and probable success of an independent, continuous line for the Camden and Amboy Railroad, by the back route, through Milburn to Hoboken, have been proclaimed for a year by the adherents of the Joint Companies. Money articles in the Philadelphia and New York papers have heralded the combinations and extensions of the Hoboken and Camden and Amboy Companies for the purpose of raising the stock of the latter, and depressing that of our company. We can cite newspaper articles without number of the character above mentioned, none of which have ever been gainsayed or contradicted. And yet Mr. R. F. Stockton, who now seems so zealous in the denial of the "united design," has not denounced them, though he declares as his conviction, that "facts misrepresented, falsehood and slander often repeated and not contradicted, in time come to be received by the public as truth and history."

There are acts of commission, as well as of omission, which incontestibly prove the "united design." We refer for confirmation to a business correspondence with the Joint Companies, already before your honorable bodies, carried on at the time of Mr. Stevens's negotiations with us for running his Hoboken branch.

Mr. Stevens, at the close of his interview with our company on the 21st of January last, renewed his proposition for a general consolidation of all the principal Railroads in New Jersey. This favorite grand monopoly scheme was then strongly advocated before all our directors; and, though listened to with courtesy, was received with no favor. Consolidation thus appearing not likely to be conciliated, coercion was the alternative resorted to, by compelling us to surrender our bridge property, and rights to the Hoboken Land Company. Hence the Hoboken Consolidation bill, wresting from us our road and bridges, enacted in the ninth section:

"And the said company may, on such terms, conditions, stipulations, and for such considerations as they shall deem expedient, demise for such term of years as they shall deem expedient, or transfer, sell and dispose of absolutely all or any part of the franchises, powers and privileges by this act granted, and all or any part of said railroad, its spurs and branches, and all or any part of its land, franchises and property, to be acquired under and by virtue of this act either by contract or by proceeding to take the same, and any part of its rolling stock to any other railroad company, and that the said railroad may be continued, connected, joined and consolidated with said other railroad and with its property."

Now, in the correspondence with the companies heretofore referred to, written with purposes entirely friendly on our part, (and to which we invite attention, as courteous and unexceptionable in our communication,) it is stated by us, that in accordance with frequent and earnest requests from citizens of Trenton, Princeton, &c., we desired to run for them cheap way trains, leaving Trenton at 7 A. M., and arriving at New York at 9.30 A. M., and returning at an hour convenient to the Camden and Amboy Company. We also respectfully sought by that correspondence to obtain redress for injurious action towards us, under our general contract



with the Joint Companies, as to the passenger business between Trenton and New York.

After failing to reply from December 24th to January 18th, (and not answering even until their President, the Hoboken Proprietor, was reminded of the delay by our letter to him of the 14th of January,) our company received from the Joint Companies, in their letter of the 18th of January, the following foreshadowing of the grand consolidation scheme to be soon after more comprehensively developed in the Hoboken bill:

"We respectfully request you to name the terms on which you will lease to us the rights, privileges, franchises, and property of the New Jersey Railroad and Transportation Company, for a term of years.

"Also, we respectfully request you to say upon what terms you will sell out your rights, privileges, franchises and property to us, that we may be enabled to accommodate the public better.

"And we would respectfully request your Board to fix the rates of toll which they will charge us for transporting passengers and freight between Newark and New York.

"With high consideration, we remain respectfully your friends.

"By order of the Joint Board,

JAMES PARKER, Chairman."

What more accumulated testimony of hostile feeling by the Joint Companies, and their "united design" with the Hoboken Land Company against the New Jersey Railroad and Transportation Company can be needed?

Another evidence of the hostile feelings of the Joint Companies is indicated in their neglect to answer, up to this time, a communication authorized by us and at more than a fortnight since, requesting, among other important matters, their concurrence, at an early day, in a reduced excursion ticket for the delegates of the Democratic Convention at Charleston, which was earnestly solicited, as stated in our letter, by the Southern Railroad Companies, and acceded to on our part.

Truly such repeated omissions of the ordinary interchange of business courtesies will justify any impartial mind in concluding that the disposition of members of the Joint Companies is not friendly to us; and that there is a "united design" between them and their own President, who is likewise the Hoboken Proprietor, whether it be from "their great personal regard for Mr. Stevens," or from their being "attached to him by the ties of consanguinity and friendship," or from any other cause. We object entirely to the many material mistakes made by Mr. Stockton in his statement and interpretation of both our contracts, with the Hoboken Company and the Joint Companies, and to many other important errors, induced doubtless, by precipitancy. We have no time at present to make important corrections. But as they now belong to the public, they will doubtless be elucidated in all their bearings and policy hereafter. Their full analysis and exposition will furnish important chapters in the "*History of the Monopoly*," of which Mr. R. F. Stockton has furnished the introduction. We trust there will soon be a copious and comprehensive narrative. We will postpone this work on our part for the present.

As to the allusion made to Mr. John P. Jackson and Mr. A. O. Zabriskie, we leave those gentlemen to take such notice of Mr. R. F. Stockton as they may think proper. It is sufficient to say, that our Board of Directors are entirely united in their designs and purposes, and unanimously approve the course they have taken, resisting the aggressions and attempted wrongs on the property and rights of our company and on the people of New Jersey.

JOHN S. DARCY,	} Committee.
D. S. GREGORY,	
JOHN J. CHETWOOD,	
JOHN ACKEN,	
A. O. ZABRISKIE,	
JOHN P. JACKSON,	

March 6th, 1860.

From the first introduction of this supplement, at every stage of its progress, after it was finally passed, the press of the state, with but few exceptions, did fail to oppose it, as contrary to public policy, as conferring extraordinary andorbitant powers, without any of the limitations and checks usual in railroad bills, and as giving additional strength, power and influence to the monster railroad



monopoly from the grasp of which the state has so long been struggling to free herself. Leading journals of all political parties—Democratic, American and Republican—and from all parts of the state, from the extreme north and the farthest south, joined in warning the legislature against the policy in which it seemed bent on entering. There are many of these articles worthy of preservation, and which we should be glad to copy, which our limited space forces us to omit. Those printed on the following pages are selected, not so much on account of superior literary merit, as that they each contain some particular point to which we wish the reader's attention directed.

The two first articles presented we copy from the *Newark Mercury*, where they were published previous to the passage of the bill. One of these is a leading article from the pen of its editor, the other from the Trenton correspondent of the paper. The latter follows below :

*Correspondence of the Newark Daily Mercury.*

#### HOBOKEN LAND COMPANY BILL.

TRENTON, February 25, 1860.

The excitement on the subject of the Hoboken consolidation railroad bill still continues here.

The first impression, that the amendments made by the House Committee on Corporations, mitigated the serious objections to the bill, is fast being dispelled. A concurrence in yielding a grant for an independent, separate, competing road to the New Jersey Railroad, from Newark to Hoboken. But the fear is, and the apprehension increases with the disclosures made by Mr. Stevens and Mr. Jackson, of former and more recent bargainings, and the propositions of the former to continue bargaining that the provisions of the present bill will eventually coerce a more perfect and enduring consolidation, because combining all powers and privileges in the state into one great moneyed interest. Against this deplorable event all parties should strive for the tendency undoubtedly is for capital to concentrate, regardless of the true interests of the public.

The amendment just reported by the committee of the House, to the first section does not, when examined, in any sense, remove the just alarm at consolidation. It simply provides that the New Jersey Railroad may prevent the appropriation of their bridge and road to a hostile interest, and thus arrest the imminent peril to passengers, by their consent to the construction of other bridges. Now, why should they in common honesty be compelled to give such consent? though it seems that they avow their willingness to do so, if the Camden and Amboy monopoly will give their consent to a new, *independent railroad*, from New York to Philadelphia; not as has been stated, in extension of the New Jersey Railroad necessarily, but a new road between New York and Philadelphia, *separate* even from them, which would be still better for the public interests.

But from examination of the bill, the necessity of this consent to ensure the construction of the Hoboken and Newark Railroad, if really designed, is not needed, if the privilege of crossing the rivers is assessed as provided for in other parts of the bill; for it is provided at the end of the sixth section, after making such assessment and allowing an appeal, "*that such appeal shall not prevent the company from taking and appropriating, exercising, using, and enjoying, the said rights, privileges, franchises and property, or so much thereof as the said commissioners shall assess and appraise, on the tender of the assessment, or depositing the same in the Supreme Court, for the owners thereof.*"



This *general consolidation* is carefully arranged as follows: By the ninth section it is provided, that "the Hoboken Land Company" may, on such terms, conditions, stipulations, and for such considerations as they shall deem expedient, demise for such term of years, as they shall deem expedient, or transfer, sell and dispose of absolutely, all or any part of the franchises, powers and privileges by this act granted, or any part of said railroad, its spurs and branches, and all or any part of its land, franchises and property to be acquired under and by virtue of this act, either by *contract* or by proceeding to take the same and any part of its rolling stock, to *any other company*, and that the said railroad may be continued, connected, joined and consolidated with said other railroad and its property."

Can any powers of consolidation be more vast and comprehensive? It should be and I trust will be the determination of the legislature and the people to prevent the *merging* in one power all the roads, bridges and franchises between Newark and New York. This should be carefully looked after, for the Hoboken monopoly may *extend* so as to exempt every part of the state, except Essex and Hudson, but let them secure these two important and flourishing counties and the rest of the state will soon be absorbed in the great monopoly maelstrom.

But this effort to mislead unsuspecting legislators, by an artful device of an amendment, in no respect removes even far more objectionable features to the bill in other sections. By the sixth section a roving power is given to three commissioners to designate what extent of the privileges any other corporation may have, *needed* by Mr. Stevens for his Hoboken road. The commissioners can designate one, two or three miles in extent of the privileges of crossing the rivers, for Mr. Stevens, and then his Hoboken Land and Improvement Company, which is himself, as for the whole extent of that charter, which is for ninety-nine years from its passage, or until 1927, the perfect barrier of all communication but his own westerly from the Hudson river, and merging the New Jersey Railroad in his, as the bill provides. Thus generations of the present and more than a quarter of the next century will be debarred any other line from Newark to New York than that allowed by the Hoboken Land Company. There is *no appeal* from or *review* whatever of the designation of these three commissioners, or any two of them, and if it be said they will be just men; yet can it be supposed that they would be of a much higher order of men than the present Senators, and what protection *they* are disposed to secure for the people is shown by the passage of this extraordinary bill; and who can doubt that the outside pressure will be greatly increased on the individual commissioners, in view of the vast value of these exclusive privileges for more than three-quarters of a century, and the comparatively few commissioners on whom such pressure will be brought to bear. This is perhaps the most alarming assault on the sovereignty and free legislation of the state in any part of the bill.

There are many other fundamental objections to the bill, which I will advert to in another letter. I shall close this with a reference to but two:

The eighth section allows the Hoboken Land Company to cut into "and run upon and over, any portion or portions of any railroad or railroads which are public highways, and into, upon and over any bridges or viadacts of any other corporation or corporations." A roving power to run over the state is thus allowed; and by a previous section *all franchises and bridges* may be taken by appraisement and sold, and as the old causeway and bridges, the plank road and bridges, and even the Morris Canal are franchises, they may be taken if *needed* by Mr. Stevens. Hence his dominion over the state, especially if *consolidated* with the Camden and Amboy company, can be made co-extensive with the whole state. B.

The following editorial article, published while the bill was pending in the Assembly, will be read with interest. Its evident candor and fairness—the unanswerable character of the objections to the bill, as it then stood, and as it finally passed, and the plain and manifestly truthful statement of what the people required, would certainly have had great weight with the Assembly; but the majority was so compact and too well trained to allow mere argument to make any impression upon them. None of the concessions hoped for and asked for by the citizens of Newark were obtained—all being voted down by the steady majority, under the lead of that profound law-giver and sage, Mr. Samuel Pope, of Passaic. His "I hope that e're won't prevail," bore down the strongest arguments and reasoning the most cogent.



*From the Newark Daily Mercury.*

### WHAT WE THINK.

The subject of general discussion in our midst is that of the supplement to the Hoboken Land Improvement Company now before the legislature of the state. This supplement authorizes the construction of a railroad between Newark and Hoboken, and were it confined to the general powers and grants which such charters usually possess, it would meet with the hearty and general support of our citizens, who are almost unanimous in their desire for an independent and opposition railroad. But there are features in this bill which are regarded as unjust to rival corporation, and there are circumstances surrounding the support of the measure which lead many to doubt the ultimate construction of an independent road. We desire to state briefly and succinctly what we conceive to be the wishes and sentiments of the people in this city and vicinity.

1. They are in favor of the extension of the Morris and Essex Railroad, by an independent route through the Erie Tunnel to the Hoboken Ferry, by which the citizens of the upper portion of the state will have a direct outlet to New York, and this city an opposition road.

2. They were taught to believe that the Morris and Essex Extension would, if passed, secure these advantages, and we, in common with the mass of our citizens, declared our honest convictions that it would be speedily constructed; but if there are impediments in the way, not originally contemplated, we and they are in favor of another charter, looking to the speedy completion of an independent road between Newark and Hoboken, with connections with the Morris and Essex Road.

3. Regarding the Morris and Essex Bridge and the spur as a necessary element in the construction of the new road, the bill should, in their opinion, contain a section providing for its purchase from the New Jersey Company, and all necessary grants for bridges, either with or without reference to the claimed monopoly right of the Bridge Companies, should be given, so that the charter may be complete and thorough in every respect.

4. But the broad phrases running through almost every section, of taking the bridges, viaducts, property and franchises of any corporations, and the power to demise and sell all these is unprecedented and monstrous, for not only the New Jersey Railroad can be absorbed, but the old turnpike road and bridges, and even the Plank Road and bridges may, for there is not the slightest designation of route or the points where they shall cross the rivers or enter Newark. Though an attempt to execute these powers would excite rebellion, why should they be given? Surely such absorbing and despotic privileges should never be granted.

5. And our citizens are nearly unanimous in the opinion that the grant of any power authorizing this road to connect, *without the consent of the New Jersey Railroad*, with the main lines of that road, either on its double tracks or bridges, is *unjust, wrong and dangerous*, and it matters not what may be the motive with which such power is asked. And the *proviso*, by which the *consent* of the New Jersey Railroad is necessary to the abandonment of its claimed exclusive rights, does not in the slightest degree change the character of such legislation.

6. This power is *unjust* to the New Jersey Road, which deserves no unfair treatment at the hands of the legislature; it is a gross *wrong* to the stockholders who, believing that they owned and controlled absolutely their own road, invested their means therein; and it is *dangerous* to all who may travel over the road, in case such connections are made.

7. In the opinion of our citizens such amendments should be made as will force the construction of an independent road, and prevent a consolidation of interest between Mr. E. A. Stevens and the New Jersey Railroad upon the basis of any of the numerous plans proposed in their negotiations, as we do not want a spur from the Hackensack Bridge, but an opposition road to New York.

There are many who are governed by personal considerations either in favoring or opposing this road, but we leave those entirely out of view in our calm and considerate discussion of the points involved. That citizen of Newark who would do the New Jersey Railroad a serious injury or take from it any of its just rights and privileges, must have a very poor conception of the interests of this city. But on the other hand we should never allow the interests of that road to stand in the way



of the interests of Newark. In the main they are identical, and no man could do anything more hurtful to our prosperity than to break down or cripple this successful and well equipped work of internal improvement. We desire the New Jersey road as independent of the control of Mr. Stevens as we would have his road independent of the New Jersey road. Fair play is a jewel, and it should be accorded to these combatants, because in this way alone will the public receive advantage.

The members of the legislature from this county have it in their power so to amend this bill as to make it generally acceptable, and we trust they will do so. There ought to be no blind advocacy of the measure, and we would fain believe that it is supported from considerations looking to the public good. If so there can certainly be no objections to making an united effort for such amendments as will secure an independent road while containing no provisions which conflict with the sole use and running of the New Jersey road by that corporation? Let the members of this county cast aside all prejudices and all entanglements and meet this subject on its merits.

While we do not wish to discourage those who believe that Mr. Stevens intends to construct an independent road immediately, we must say that we have no conclusive evidence before us of this fact. We have read the communication which appeared in our columns on Saturday from that gentleman, and we think there is a studied avoidance of any such declaration on his part. We could not but come to the conclusion that in case the New Jersey Railroad should be so driven to the wall as to be forced to accept either of his propositions that we should not in this generation see an Independent Road to New York. There are abundant provisions under which he could unite with the New Jersey Railroad, but not a single one looking to the prevention of such a result. We fear that from the hour this bill becomes a law we shall be in the power of those who will regard their own interests rather than the public weal.

But it is said by some, Mr. Stevens understands what he is about and would not thus stultify himself. He seeks to create a strength here for the Camden and Amboy Monopoly, and he will make every effort to benefit and please our citizens. It may all be true, but did he seek to advance our interests when he joined forces with the Central road and passed the Bay Bridge? Did he favor our interests when he made a proposition to the New Jersey road, which, if accepted by it, would inevitably raise the fare between Newark and New York? We simply ask our members of the legislature, while the measure is still in their hands, to guard us against a junction of interests between the New Jersey Railroad and Mr. Stevens. Do you say the quarrel is too bitter for such a junction? Nonsense! Capital has its own laws, superior to quarrels or grudges, and you cannot depend upon these a moment against the interests of great monied institutions. Already the rumor of an anti-monopoly contest is alarming the Camden and Amboy interests. Guard us now, or we shall be the victims of a confidence utterly misplaced.

We have not discussed the legal character of the provisions which have been inserted giving the right to run over the road and bridges of the New Jersey Company, but we regard them as utterly untenable. They will embarrass the New Jersey road—they have already had a most injurious effect upon its stock, but that the courts would decide adversely to them we have not the shadow of a doubt. It is not reasonable that when a road is now overtaxed with trains, passing and re-passing every few moments, that another road will be sustained in the chartered right of entering upon it, perhaps at the same time, and with an equal number of trains. The safety of life, common justice to the New Jersey road, and the interests of the whole community demand a repudiation of this portion of the charter. We appeal to the good sense of the legislature in asking an amendment which disavows this clearly illegal grant.

The passage of this measure is predicated upon the contest of Thursday afternoon, but the sober second thought of the legislature will be of advantage in securing such concessions from the friends of the bill as will free it of its obnoxious features. We have stated the views of our citizens, as we believe correctly, and these views ought to govern the action of the legislature. It is a local application for a local road, and the wishes of our people ought to be carefully regarded. We have sought to do equal and exact justice to all the interests involved, and if the legislature should adopt the same rule of conduct, the subject will in the end be rightfully adjusted.

The following article from the *True Democratic Banner*, the democratic organ of



Morris county, published about the date of the passage of the bill, will be read with interest, as showing that the ground taken by Mr. Stevens and his friends leads directly to the conclusion that monopoly franchises or exclusive privileges are no longer to be allowed to stand in the way of Free Legislation for Railroads when demanded by the people. The *Banner* objected to the peculiar provisions of this bill, but knows how to extract good from evil, and requires that the measure meted to the New Jersey Railroad Company and the Bridge Proprietors should also be meted to the giant monopoly which has so long prevented the proper development of the resources of the state.

*From the Morris True Democratic Banner.*

"The Railroad War progresses finely. The Legislature has effectually broken down the exclusive privileges claimed by the New Jersey Railroad Company of the right to bridge the rivers Passaic and Hackensack, and allowed the Hoboken Land and Improvement Company to possess themselves of so much of these privileges as may be necessary to enable it to construct a railroad from Newark to Hoboken which we understand is to connect with the Morris and Essex road, thus giving it a direct route to New York. We think the Legislature have made a good beginning. All monopolies and exclusive privileges are odious, especially in a free country. Let us get rid of them all at the earliest practicable period. We rejoice that the public attention is likely to be thoroughly awakened to this matter. The more railroads the better for the public. The same principle which has been adopted to get rid of the bridge monopoly, will rid the state of all railroad monopolies. The sooner it is done the better. If there should be any danger of loss of state revenues apprehended through the chartering of rival roads, it can be guarded against by proper guarantees from responsible parties who will doubtless be found willing to accept charters on such terms. We hope this railroad war inaugurated under such happy auspices, will be vigorously waged to the end. The people will not be the losers."

This view of the case was quite generally adopted, and the Monopolists found that in their eagerness to persecute or ruin an independent corporation they had admitted the soundness of a doctrine which, applied to their own franchises, would result in an earnest and probably successful movement for a rival railroad across the state, from New York to Philadelphia; and very soon the public read communications in the newspapers setting forth the peculiar sacredness of the franchises of the Camden and Amboy Company; and arguing that although the "rights, privileges, franchises or other property" of any other company could be taken for the benefit of the Monopoly, yet that Monopoly could not be disturbed, even when the interests of the whole people demanded its abrogation. Every one familiar with the journals for the last ten years must be thoroughly conversant with the "arguments" as well as with the conclusive answers given by some of the first minds of the state. The following, from the Trenton correspondent of the *New Brunswick Freeholder*, replies very conclusively to the special pleading of the Monopolists:

RAILROAD MONOPOLIES AND PUBLIC CONVENIENCES.—I notice that a writer in the *Newark Daily Advertiser* expresses an opinion that there was a peculiar sanctity in the Camden and Amboy Monopoly, which would prevent the court from giving effect to any act the legislature might pass, authorizing the disturbance of the monopoly, on the principle of compensation. But the writer's opinion cannot be sound; for cases are found in the books, which expressly recognize the right to grant a rival road to an institution similar to the Camden and Amboy, giving them a reasonable sum. "Such indiscreet contracts by a legislature," says Judge Grier, "cannot paralyze the arm of government and stop the progress of improvement."

"I allude to a precisely analogous case to that of the Camden and Amboy mon-



poly, which arose and has been finally decided in Massachusetts. The Boston and Lowell Railroad had the following clause in their charter: 'That no other railroad than the one hereby granted shall, within thirty years from and after the passage of this act, be authorized to be made leading from Boston to Lowell, or from Boston to any place within five miles of the Northern termination.' The court held (the learned and venerable Chief Justice Shaw presiding,) 'that the exclusive right for thirty years granted the plaintiffs by their charter is subject like other property, to be appropriated for public use, on compensation therefor, whenever the public exigencies require it, in the opinion of the legislature.' I can also cite a case to the same effect in the United States Court. The supposed sanctity of the Camden and Amboy monopoly which has been a puzzle for our learned lawyers of New Jersey so long, has thus been disproved by the highest tribunals of the land."

This is certainly conclusive against Mr. E. A. Stevens and his confederates. In their supplement they distinctly take the ground that all franchises—all exclusive privileges—are liable to be taken by assessment, for public use; and they also take the ground that the construction of a rival road is such a "public use" as will justify the taking of such exclusive privileges or franchises. Bearing this fact in mind, the decision quoted by the *Fredonian's* correspondent is entirely conclusive against Mr. Stevens and the Camden and Amboy Company.

This important legislation—reversing, as it did, the settled policy of the state, and proclaiming that in the future the legislature would favor Free Legislation and Free Railroads, and would no longer be restrained by monopoly privileges granted years before, but would, whenever necessary, authorize them to be taken, on making compensation, in the same manner as other property, by the exercise of the right of eminent domain residing in the state—attracted attention not only in our own state, but in those adjoining. The *New York Tribune*, *Times*, *Post* and other journals of that city, and in Philadelphia, the *North American*, *The Press* and *Inquirer*, displayed a lively interest in the contest, and published several articles—editorial and communications—setting forth the merits of the controversy. From among these articles we select the following:

*From the New York Evening Post.*

**EXCLUSIVE PRIVILEGES CONDEMNED IN NEW JERSEY.**—The charter authorizing the Hoboken Land and Improvement Company to construct a railroad between Hoboken and Newark, N. J., has been signed by the Governor, and has become a law.

It seems there are two charters on the New Jersey statute book for two new railroads between Newark and the Hudson River—the Morris and Essex Extension Line and the Hoboken Land and Improvement Company—and except in some extraordinary powers in the latter, which are considered by many impracticable in their execution, they are essentially the same. Both are owned by Mr. E. A. Stevens, the Hoboken proprietor, and he can now make his selection in attempting his railroad. They both assert the principle that exclusive privileges can be assessed and paid for in damages, and the New Jersey Executive by his signature of the bill, has consented to have this great question brought before the highest courts of the state and the nation for a decisive judicial adjudication.

This was esteemed the great constitutional question involved in the bill, which the courts will now be required to decide, though many regard the confirmation and enactment of the contract between the Long Dock and Hoboken Land and Improvement Company as a violation of the clause of the constitution which declares that "every law shall embrace but one object, and that shall be expressed in the title."

The large and unprecedented provisions of the bill, designed to appropriate the property and rights of other companies, appear to be regarded as questions of high expediency of which the legislature are presumed technically to be judges, as a jury is regarded to be the sole umpire of questions of fact, and hence, however, abhorrent they may be, that they are not the proper subject for Executive veto.



The grand result of the passage of this bill is the progressive march towards the complete emancipation of New Jersey from exclusive privileges, which are generally regarded as fetters upon freedom, and for which that state has long been held in opprobrium by other states, and even by intelligent travelers from foreign countries.

Two important steps in the work of emancipating New Jersey from monopoly thralldom have now been taken, namely: First, the action, by the legislature, in favor of the assessment of exclusive privileges for competing works; and the second, the assent given by the Executive. The third and conclusive act will be the adjudication by the courts—state and federal—which, if in unison with the other two, will perfect emancipation in New Jersey, and secure the largest liberty for legislation in favor of the construction of competing roads between New York and Philadelphia, and over the state everywhere.

The exclusive privileges claimed by the Camden and Amboy Railroad Company will be condemned as being subjected to assessment if this adjudication be favorable to general freedom. For the monopoly clause of that company was copied from the monopoly clause of the Passaic and Hackensack Bridge Companies, and hence the two must stand or fall together; for if the courts sustain the constitutionality of either the Morris and Essex Extension act, or that of the Hoboken Land and Improvement Company, the monopoly privileges of both the Bridge Company and the Camden and Amboy Company are capable of being taken by assessment as property.

The identity of the two monopolies may be seen by the provision in the charter of the Passaic and Hackensack Bridge Company, which is in these words: "That it shall not be lawful for any person or persons whatever to erect or cause to be erected any other bridge or bridges across the said rivers Passaic and Hackensack," &c., &c.

The corresponding monopoly clause in the charter of the Camden and Amboy Railroad Company is in these words: "That it shall not be lawful, at any time during the said railroad charter, to construct any railroads in this state," &c., &c. to compete in the transportation between the cities of New York and Philadelphia

This article, written by one of the editors of this leading journal, occupied a prominent place in its editorial columns, and attracted very general attention. The "adjudication by the courts" having been "in unison with the other two"—the legislative and executive branches of the state government—it may now be regarded as a settled question in New Jersey that franchises or exclusive privilege can be taken by assessment, and we may now reasonably expect "the largest liberty for legislation in the construction of competing roads between New York and Philadelphia, and over the state everywhere." Although not converts to the doctrine that the end will justify the means, still if this beneficent result shall promptly follow we can look with more favor upon the actions of the legislature of 1860 than they seem to us to deserve. It is now for the people to say whether this policy shall be followed out to its legitimate conclusions. Let them send to the legislature honest, impartial, fair-minded men, not connected with any railroad corporation and the next session will not pass over without relieving the state from the bond in which it has long been held by the Camden and Amboy Monopoly.

The *Newark Daily Advertiser* also published an editorial article, taking precisely the same ground as that published in the *Post*—showing that the precedent established was conclusive against the powers and privileges claimed by the Camden and Amboy Monopoly.

There is no escaping from the conclusions drawn from this legislation. If one monopoly privilege can be abrogated, or be taken for public use, so can others, and that claimed by the Camden and Amboy Company must be one of the first to come under the operation of this principle. Neither can the state lose any portion of its revenue by such a policy. It is true that the Camden and Amboy Company would be relieved from the payment of dividends on \$100,000 of stock now held by the



state; but this would be reimbursed to the state ten times over by the new company, while the Camden and Amboy Company must still continue to pay the transit duties, as well as the dividends on the remainder of the stock held by the state.

*The Paterson Guardian*, the leading journal of Passaic county, opposed this Hoboken bill strenuously from first to last, and after its passage published the following very pertinent queries:

How many lackeys and runners did they retain at Trenton, to influence members, and procure the passage of the Hoboken bill?

Who were these men, what their names and places of residence?

Who induced them to go to Trenton and "lobby" for the Extension Bill?

How much was paid to each one, and by what agent of the company was it paid?

How much was the bill for wine, and oysters, and segars, and other refreshing influences at the Trenton Hotels?

How much money was paid to members of the legislature, for votes in favor of that bill?

What considerations, besides money, were used to induce members to vote for it?

What members did vote for it, being moved by Camden and Amboy money or Camden and Amboy promises?

What members were induced in this way, and what inducements did they everally get for these votes?

What agents did the Company employ at Trenton for this purpose?

What action did the Board or its members take in relation to the matter, officially?

Under what head do these expenses appear in the company's books?

When these questions are answered, the Commodore may come down from the State House top, till we prepare another batch of questions.

We conclude our extracts from the press with the following from the *Newark Mercury* of March 10th. It points out the true policy to be pursued by the people of the state, and this policy we trust will be inaugurated by the next legislature:

*From the Newark Mercury.*

The legislation for railroads in all directions, appears now to be fairly inaugurated in New Jersey, though the present existing legislature can hardly be expected to enter fully into the generous work. The strong repugnance of the Executive to restrain the largest exercise of power to remove the obstruction of exclusive privileges to the erection of an independent road between Newark and Hoboken, has doubtless induced his assent to the Hoboken Land Company's bill, though in common with every just mind, he must have disapproved many of its remarkable provisions.

Still, we are gratified that the right to assess a monopoly is to be tested by judicial decision. We cannot doubt but that, in this age of freedom, the power to make such assessment will prevail, and thus New Jersey be delivered from the lions and oppressive thralldom of the Camden and Amboy Company. Railroad lines will be secured through all our agricultural counties, and a complete double track railroad between New York and Philadelphia, running in three hours, at a charge not exceeding \$2, with provisions for securing the most undoubted immunity that the revenues of the state shall in no wise be diminished.

Let the people then arouse everywhere in favor of just railroad facilities. We desire them for Newark, and trust we shall have an independent road to New York. The New Jersey Railroad has done well for the public, and with its double track and efficient equipments cannot fail to be fully employed. Its fine location through our most populous cities, and its frequent trains will always draw a large patronage. But it can well afford to share in the future, the accumulating business of Newark and vicinity with another road, in view of the speedy opening of new routes to Philadelphia. The assessment of monopoly privileges will clear the way for all public improvements which have long groaned for development, and the Camden and Amboy monopoly will cease to be the great obstruction of progress.

We rejoice in these prospects. Competition will secure double track roads, com-



fortable depots and ferries, and increase accommodations, which monopoly neglects to the discomfort of the people, and the retarding of the prosperity of the state.

Having now traced this extraordinary legislation from its inception to its close and having shown that it succeeded by mere force of numbers, with scarcely an attempt to defend it on its merits; that while strong arguments against it were presented in both Houses, by men of both parties, no attempt was made to answer them, except by marching up an obedient majority which would not be convinced by reasoning; and that when its supporters did undertake a defence of their position, they were obliged to take the ground that where railroads were demanded by the people they must be granted by the legislature, and that no previous grants, no exclusive privileges or franchises, should be allowed to prevent such grant. We will now turn to the proceedings on applications for other roads—asked for by the people themselves—and see how these pledges—positive and implied—were redeemed.

### OPENING OF FREE LEGISLATION.

The reader who has perused the debates printed in the foregoing pages, will not have failed to notice that the sole argument relied upon by the friends of the Hoboken Bill, was that the new road from Newark to Hoboken was demanded by the interests of the people of these cities and the intervening country; that it was necessary to the growth and development of that portion of the state; and that the interests and franchises of other companies, even where guaranteed by the legislation of the state, must give way to the public wants. The friends of the bill urged this as a valid reason for its passage, and even its opponents admitted the force of such reasoning, but denied that such a necessity existed in this case. Under such circumstances, the friends of free legislation—men who for years had labored to obtain charters for local roads to enable them to transport the produce of their fields, factories and workshops to market—felt a reasonable hope that now was the opportunity to urge the merits of their applications, and secure the passage of the charters needed not only for the development of their districts, but by the necessities of the people who were deprived of the modern facilities of travel and transportation. How far they were successful and how they were disappointed, the following pages will briefly show. Some of the supporters of the Hoboken Bill were consistent—they adhered to their declarations in favor of free railroads, but for the credit of the state and its legislature, we regret to say that the majority of these law-makers very coolly swallowed their previous declarations, and voted against every railroad charter which had not been previously endorsed by the "Barons of Number Ten."

Among the districts of the state not provided with easily accessible railroads and other means of reaching the great markets of New York or Philadelphia, none are more fertile or productive than those intersected by the line of the proposed railroads through Burlington and Middlesex, and through Hunterdon and Somers. The people of those districts have long been anxious to obtain charters for local roads, and petitions numerous signed by those directly interested were presented by scores and hundreds during the last session, and the gentlemen representing these districts made every honorable effort to procure the charters asked for. That they did not succeed was not their fault, but was due exclusively to the overshadowing influence exerted by the Camden and Amboy monopolists over the legislature. The action upon these bills we will now give as succinctly as possible.



## BURLINGTON AND MIDDLESEX AGRICULTURAL RAILROAD.

Notice of the introduction of the bill was given in the Assembly by Mr. Dobbins, of Burlington, on the first of February, and on the eighth of that month it was introduced and referred to the Committee on Corporations. It was reported some days after, and ordered to a second reading.

The objects and wishes of the applicants for this road are well set forth in the following petition:

*To the Honorable the Senate and General Assembly of the State of New Jersey:*

The petition of the subscribers, citizens of Burlington, Middlesex, and adjacent counties, represent to your Honorable bodies that they have long felt the inconvenience and injury of not having the facilities of railroad communication, now enjoyed by almost every other part of New Jersey, and are desirous that they be no longer subject to the difficulty and delay of transporting their stock, produce and persons to other sections of the state, and to obtain the modern means of transportation by railroad, that our farmers throughout the line of the proposed and other roads may enjoy the distribution of marl, and other fertilizers common to our district of country, with an easy and expeditious mode of sending to market in various populous localities, our large amount of stock and agricultural produce, annually grown on our fertile and well cultivated farms, together with the produce of our forest lands, such as wood, lumber, &c.

Your petitioners earnestly ask your Honorable bodies that they grant an act of incorporation, to construct a railroad, for the foregoing purpose, from some point or points, at or near Pemberton, in the county of Burlington, to some point or points in the township of New Brunswick, in the county of Middlesex, with powers to erect a branch road, to Vincentown and Medford, in the county of Burlington.

In view of the great interest felt by our citizens for the proposed railroad, and the advantage it will afford to the farmers and other enterprising citizens on its route, your petitioners hope that the same facilities now so extensively enjoyed in New Jersey, will be allowed to be made for one of the most wealthy and interesting sections of the state; and that your Honorable bodies will grant a charter to construct the Burlington and Middlesex Agricultural Railroad Company, and your petitioners will ever pray, &c.

These petitions were signed by the farmers and others along the line of the proposed railroad—thousands of whom felt the most lively interest in the success of the enterprise, and urged it by every means in their power. These petitions continued to be presented at the daily sessions, until after the bill was finally disposed of, and the signers numbered, altogether, several hundreds of the most intelligent and respectable farmers, mechanics and business men of Burlington, Monmouth and Middlesex counties.

This application was for no close corporation; it did not confer exorbitant powers on a single individual; it was not intended to increase the power of an arrogant and overgrown corporation, and neither did it purpose to appropriate the rights or property of any other corporation or individual. It was simply an application for a local road, for local accommodation, and to be owned and managed by those directly interested in its construction, in order that they might send their products cheaply, certainly and cheaply to the best markets. The commissioners to open the books for the subscription to the stock of the company were Joseph K. Hulme, Miller Howard, Jonathan Oliphant, Andrew J. Allen, William Braddock, Jr., Edward Woodward, Franklin W. Earl, Jervis Butterworth, Andrew Fort, Thomas Budd, Peter W. Dye, Ralph Stultz, Ezekiel Silvers, Garret A. Snedaker, Benjamin M. Clark, John T. Hutchinson, Moses F. Webb, George A. Vroom, James Shop, Ezekiel M. Patterson, Garret G. Voorhees, and James S. Lawrence.

These gentlemen were all well known, were directly interested in securing a local road, and by their character and standing gave the most ample security that the



stock would be fairly apportioned, and not allowed to be "taken or used" by any grasping corporation.

The other provisions of the bill were only those usual and necessary in all railroad bills, conferring no unusual powers or exclusive privileges on this company, and taking from no other any rights or franchises granted them by law. Such a bill, one would have supposed, would have secured the support of those members who voted for the Hoboken Bill on the ground that new roads should be granted wherever asked for by the people, whether opposed to the interests of other companies or not. Some of them did vote for it, but the yeas and nays will show that most of them were so grossly inconsistent as to oppose it from first to last. With this explanation by way of preface, we proceed to give the proceedings in the Assembly.

The bill having been reported by the committee and printed, it took its place on the calendar. It was taken up on a second reading, at the morning session, and on the very day the Hoboken Bill was passed in the afternoon. The latter was not yet out of danger, and its friends were careful not to make any objections to the Burlington and Middlesex road, for fear it should react on the application of the friend, Mr. Stevens, of Weehawken. Under these circumstances, the bill was hurried through a second reading, and ordered to be engrossed for a third reading. This was on the 29th of February—the day made memorable in the history of the last Assembly by the passage of the supplement to the Hoboken Land Company.

Subsequently the bill was engrossed, reported in the House, and made the order of the day for the 6th of March. The Hoboken Bill was then out of danger, and its supporters were then at liberty to change their front on the question of legislation for railroads; and, as they had shown their zeal in the service of the Camden and Amboy managers, by voting for one railroad, in spite of numerous and weighty objections, so now they showed that zeal by voting against another, notwithstanding the numerous strong arguments in its favor. The bill came up at the afternoon session, and the proceedings upon it we copy from the report published in the daily papers:

The bill having been read, Mr. Dobbins said that it appeared to him that if a railroad charter should be granted, it was this. It was to commence at Pemberton and terminate at New Brunswick, running through a fertile and well-cultivated country which needs a new outlet to market. The bill was introduced early in the session, and after considerable delay and trouble, it was reported, passed through a second reading, and was now before the House on its final passage.

The road contemplated by this company was greatly needed. By the transportation of marl alone, which is abundant along the line, a large profit would be made by the road as well as by the people. And by its connection with other roads, lime could readily be brought into the marl districts, thus keeping up the export of fertilizers to the benefit of both sections, the improvement of the soil, and the prosperity of both the companies and the country.

The road had been prayed for by a large number of petitioners—men who owned the land through which the road will run, and who ask for a means of transporting their products to market. If the people are entitled to anything besides what may be granted by the powers that be, other than the legislature, this road is certainly one of these things. This road will interfere with no other road or other company.

Mr. Pope said that the gentleman from Burlington did not state all the matter he talked about New Brunswick, but did not say anything about Belleville. He feared also that this bill will interfere with the resources of the state, and this he would not consent to.

Mr. Dobbins said that he could not see how it was possible that this road could interfere with the vested rights of any other corporation. The bill was perfectly plain in its provisions, and it was scarcely necessary to make any explanation.

Mr. Graham said that this charter was for a competing road—it is to run for



New Brunswick to Pemberton, and from the latter place there were two charters for roads to Camden, and this would thus make a new through route, depriving the state of the revenue it now receives from the Camden and Amboy Company.

Mr. Dobbins said that he would not willingly vote for any bill violating the privileges of any company. The proposed road commences at a point twenty-seven miles from the Delaware, and runs in a direction different from that of any other road. It would not compete with any other road, and cannot put in peril any of the revenue of the state.

Mr. Pope stated that there was "no limestone in Passaic."

Mr. Slaight said that he agreed with the gentleman from Camden that "consistency is a jewel," and he hoped to see that gentleman and others display a little of that virtue.

Last week they were anxious to pass all railroad charters, no matter whether they interfered with vested rights or not—whether they were objectionable or even outrageous in their provisions. Now he hoped to see them show themselves consistent by voting for this bill—a bill unobjectionable in its character. It did not and could not interfere with any rights of any other company. Last week it was proclaimed that we were to have railroads wherever asked for, and now he wished to see the House display its consistency by voting in conformity with that declaration.

Mr. Rusling said that he did not like the provision of the bill authorizing the construction of a branch to the Passaic river. He wished to vote for the bill, but he should like some explanation of this clause.

After some conversation on this subject, the roll was called, and the bill was lost, by 28 yeas to 28 nays—31 votes being necessary to pass a bill.

This, however, could scarcely be regarded as a test vote, owing to an error made by the clerk who copied the bill for the printer. After the sections defining the route, naming the commissioners, &c., had been copied, he was directed to copy the general provisions from another railroad bill, and in doing this he copied a section providing for a branch to the Passaic river. This had not been noticed by the applicants and friends of the bill, and they were, of course, greatly surprised when their attention was called to it. The next day (March 7th) the question came up and a test vote was had on a motion to reconsider the vote of the day before, in order to allow the bill to be recommitted and amended in this particular.

Mr. Starr moved to reconsider the vote by which the act to charter the Burlington and Middlesex Railroad was lost.

Mr. Dobbins said that the friends of the bill had been taken by surprise yesterday on finding that it contemplated a branch to the Passaic river; this was a mistake on the part of the person who copied the bill; he was directed to copy some general provisions from another railroad charter, and in doing so copied too much. Now they wished to reconsider the vote by which it was lost, in order that the bill might be recommitted and all the objectionable provisions stricken out.

Mr. Pope said that time enough had been wasted on this bill, and he hoped the House would not allow it to be again brought up.

Mr. Dobbins said that the friends of the bill had no wish to waste the time of the House. The road was greatly needed by the people along the route. When the bill was up yesterday, objections were made to certain provisions, and now they wished to strike them out, and bring the bill up on its merits, without any of these features.

The motion to reconsider was lost, as follows:

*Yeas*—Ayres, Ball, Barcroft, Bocraem, Brewer, Carter, Condit, Dey, Dobbins, Duffield, Freeman, Hall, Ivins, Larzalere, Lippincott, Marsh, Mayhew, Mulford, Peaves, Rusling, Slaight, Stagg, Starr, Stokes, Teese, Vanhorn, Waldron, Wheeler.  
*Yood*—29.

*Nays*—Arrowsmith, Bennett, Bond, Brinkerhoff, Crozer, Decker, Denson, Drake, Graham, Hale, Hopper, Horton, Mackerley, McNinney, A. H. Patterson, J. Patterson, Peckham, Pope, Schomp, Shoemaker, Stafford—21.

Thus was this bill finally defeated, and mainly by the very men who but a few



days before had been loudest in their professions of devotion to free legislation for railroads. But we will defer any further remarks on their inconsistency until after relating the action on the other applications for local roads.

### THE HUNTERDON AND SOMERSET FARMERS' RAILROAD.

Although more than one railroad passess through these counties, yet there is a large, populous and fertile district which is scarcely better off, so far as the means of transportation is concerned, now than twenty years ago. The people of this district have for some years been anxious to obtain a road running from the Delaware eastwardly and connecting them with New York, always the best market for agricultural products. With this road in view, the petition copied below was generally circulated, and was eagerly signed by nearly every farmer and business man through the section interested :

*"To the Honorable the Senate and General Assembly of the State of New Jersey :*

"We, the subscribers, citizens of Hunterdon and adjoining counties, beg leave respectfully to represent to your honorable bodies, that as agriculturists and fruit growers, we are desirous of having a railroad communication to market, to avoid the inconveniences and delays to which we are now subject in transportation. The present large and increasing amount of fruit alone raised in our section of country, renders it absolutely necessary to have frequent and expeditious means of transportation to render our crops remunerative, this we trust will be obvious when we remind you of the perishable nature of fruit and its enhanced value, if brought to market in good condition.

"No section of country has a more favorable soil and location for fruit growing than our own ; at least one million of peach trees will be in bearing in the next three years, in addition to those now producing ; and though we had not a full crop last year, at least 70,000 baskets of this valuable fruit were sent to market and that too raised on soil not valuable for grass or grain crops, but peculiarly adapted to fruit growing.

"We have also rich grass and grain growing lands now producing large crops. Experience has taught us that winter is the time to send these to market, and before the large supplies from the far west come in ; in no way can this be accomplished but by a railroad.

"Our forests are being cleared for cultivation, and had we railroad facilities for market, the wood and timber would be materially enhanced in value.

"We want facilities for bringing to our farms fertilizers, especially lime and marl.

"This section of country has large and valuable water power, available for milling and manufacturing, and with railroad conveniences their usefulness and the resources of the state would be largely increased.

"Under these circumstances we beg leave most respectfully to present to your honorable bodies this petition, that you will grant to us an act of incorporation to construct a Farmers' Railroad from some point in Hunterdon county north of Prallsville to some point of the Millstone and New Brunswick Railroad.

"The spirit for developing and improving the soil now manifested by the farmers of New Jersey we hope will be fostered and encouraged by your honorable bodies, and we, your petitioners, trust the privilege of constructing this railroad may be granted to us, that by the facilities it will afford us we may be enabled advantageously to cultivate and develop this valuable section of our state—and your petitioners will ever pray, &c."

Notice having been previously given, the bill to incorporate "The Hunterdon and Somerset Farmers' Railroad," was introduced by Mr. Wood, of Somerset, on the 9th of March, and was referred to the Committee on Corporations. The committee in due time reported it without amendment, and it was ordered to a second reading and printed. The route proposed was for a road from Millstone to a point



on the Delaware river, running from east to west, through a productive country now cut off from the large markets, except by a long and tedious transportation over common country roads. As has been said, it was asked for by almost the whole population along the proposed line, and it was urged upon the legislature by the most influential men of those counties, and by all parties. The commissioners named in the bill, to open books of subscription and organize the company, in this case, as in that of the Burlington and Middlesex parties, were men well known, and entitled to and enjoying the confidence of all who knew them. They were Jonathan Pickle, Isaac R. Shrope, Jacob S. Manners, Andrew B. Rittenhouse, Simpson S. Sked, Runkle Rea, John C. Durham, James S. Fisher, Green Sergeant, Peter C. Schenck, Peter W. Young, John M. Wyckoff, and John G. Schenck. These names will be familiar to all our readers of Somerset and Hunterdon, and in themselves, afford a sure guarantee for the honesty and good faith of the application.

The bill was not opposed on the second reading, but was allowed to pass to a third reading without discussion. On coming up in its turn, it was made the order of the day for Tuesday, March 6th. On that day it was called, and there was another display of the peculiar tactics of the gentlemen who, when the Hoboken bill was under consideration, were so earnest for free legislation. Mr. Schomp, who—although a Hunterdon man and elected as an independent candidate—did not give the bill a cordial support, moved to recommit the bill. This was opposed, but the vote was taken, and the Speaker announced that the motion to recommit was agreed to—27 yeas to 26 nays. But others besides the clerk had kept the account, and by their reckoning it appeared that the vote was really 26 yeas to 27 nays. The proceedings from that point we quote literally from the report published in the newspapers:

Mr. Teese said that an error had occurred in the vote as announced on the motion to recommit the bill to charter the Hunterdon and Somerset Railroad. On the roll Mr. Denson was set down as voting in the affirmative, while, in fact, he voted in the negative. He asked that the roll be corrected.

The roll was corrected accordingly, and the vote then stood: for the recommitment 26, against it 27.

The Speaker said that inasmuch as the whole matter was thus thrown open, the vote on the motion to recommit would again be taken.

This was opposed by Messrs. Slaight, Teese and Wood, and was advocated by Messrs. Pope, Graham and Arrowsmith.

Mr. Slaight appealed from the decision of the chair.

The chair was sustained—31 to 24.

The question then came up on the motion to recommit.

Mr. Slaight opposed the recommitment as unusual and uncalled for. It was also opposed by Messrs. Wood and Abbott, and advocated by Messrs. Pope and Arrowsmith.

The bill was recommitted, as follows:

*Yeas*—Arrowsmith, Banghart, Bennett, Brinkerhoff, Cole, Condit, Crozer, Decker, Drake, Graham, Habermayer, Hale, Hopper, Horton, Mackerley, Mount, Mulford, McNinney, A. H. Patterson, J. Patterson, Peckham, Pope, Reeves, Schomp, Shoemaker, Stafford, Stagg, Wills—28.

*Nays*—Abbott, Applegate, Ayres, Ball, Barcroft, Booraem, Brewer, Carter, Cooley, Denson, Dey, Dobbins, Duffield, Freeman, Hall, Ivins, Marsh, Mayhew, McCracken, Slaight, Sooy, Starr, Stokes, Teese, Vanhorn, Wheeler, Wood—27.

We wish here to direct particular attention to the ruling of the Speaker—ruling, we venture to say, without a precedent in the history of parliamentary bodies. The opponents of the bill were not ready for a direct vote; they wanted delay, and a recommitment was their method of obtaining it. The motion was made



the vote taken, and the recommitment defeated, but by a *lucky* mistake of the clerk the vote was wrongly announced, and the motion declared carried. This *mistake* was corrected, and, of course, the bill was before the House in exactly the same position that it was before the motion was made, with the exception, however, that as it had been once defeated, the recommitment could not again be moved. Thus the opponents of the bill were cheek-mated—their scheme was defeated, and the bill must come up for action. But here the sublime genius in the chair interposed his authority, and on the baldest pretence ordered the vote to be again taken—the drill sergeants of the monopoly having, in the meantime, brought up a reinforcement and made a member change his vote. And this is the kind of legislation the Barons of Number Ten provide for the people of New Jersey! But enough of this. Let us proceed to the final action on the bill.

The bill was reported back to the House on the 13th, and on Thursday, the 15th, it was called up by Mr. Denson, who moved that it be indefinitely postponed. This motion was opposed by Mr. Wood, and there was some discussion, which was interrupted by a scuffle in the lobby, after which the House took a recess for dinner. On reassembling, Mr. Denson withdrew his motion.

Mr. Wood said that he regretted that anything he had said should have caused any difficulty. If he had, inadvertently, made any misstatement, when that became a subject of discussion, he wished to be counted in. This bill was exactly what it professed to be, a Farmer's Road for the counties of Hunterdon and Somerset. It was not intended to be a part of a through route; it contained no provision for a bridge over the Delaware, without which no such through route could be constructed. This road was intended for the accommodation of the farmers and others along the route, and only for that.

It is true that there is a charter for a road from Millstone to Flemington, but the people of Hunterdon did not wish to connect with that branch road—they wanted an independent road. By connecting with that branch, all coal, lime, &c. would pass over the Belvidere and Flemington roads, thus giving those companies the power to control the whole business. If this charter was granted, men in Hunterdon and Somerset were ready to invest their capital in this road.

It was true that there were several lines of railroad in Hunterdon county, but none of them run in a direction to accommodate the people in the portion of the county along the line of this road. When the Hoboken and Newark bill was before the House, although it did, in his opinion, directly conflict with the chartered rights of another corporation, the House took the ground that such right should not stand in the way of a new road. He opposed that bill, but had it been a bill to charter an independent road, he would have given it his support. This bill was for an independent road, a road asked for by the people of Hunterdon and Somerset, and should be passed. It was objected that this road might conflict with the business of the Central road, but Mr. Stearns was quite willing that this road should be built if it would connect with the Central at some point. He did not blame Mr. Stearns, but after he had obtained all he asks for he did think it rather hard that he should now oppose a short road, for mere local accommodation. Mr. Wood spoke at some length, and we are not able to give a full report.

Mr. Pope moved the previous question, and on the question "shall the main question be now put?" it was decided in the negative—29 to 29.

Mr. Teese raised a question of order, that the House having refused to order the previous question, the House could not further consider the bill on that day. The point was sustained by the chair.

On motion of Mr. Wood, the bill was then made the order of the day for the following Tuesday, the 20th. On that day it was called up, and finally disposed of for that session. Of the debate we have only room for the speech of Mr. Wood of Somerset, but that we hope will be heedfully perused and considered. His statements are plain and convincing, and although unsuccessful in that instance his arguments will yet be allowed their proper weight, and the people of Hunterdon and Somerset receive their just consideration at the hands of the legislature.



Mr. Wood said that as this bill was in his charge, he felt it his duty to explain its provisions, and in his plain way urge its importance upon the attention of the House, believing, as he did, that it was an honest and fair application, demanded by the interests of the people of Hunterdon and Somerset. And he hoped that gentlemen who intended to oppose this bill would state their reasons for their course. When he was opposed to any bill, and had any arguments to produce, he would always bring them forward, but, so far, he had not found that gentlemen opposing this bill had produced any reasons why it should not pass. The principal argument brought by those who had heretofore opposed this application was, that Hunterdon county had already all the railroad facilities needed for the accommodation of its people. If this is true, why, in the name of common sense, are the people of that county here, by their petitions, asking for the passage of this bill. More than fifteen hundred of the people of Hunterdon had petitioned for the charter of this road; and what are the accommodations which the people of Hunterdon enjoy for the transportation of their produce to market? They are the Flemington Branch, the Belvidere, and the Central roads. These roads did not afford the accommodations needed. It had also been said that there was no point in the county more than five miles distant from a railroad station. He would ask the gentlemen making this statement if they had ever visited a place called Locktown—it was a small place, but still a place where much of the business of the county was transacted. Are the people of that vicinity within five miles of a railroad? Are the people of Baptistown or Clinton within that distance? And the same question could be pertinently asked in regard to many other localities situated along the contemplated line of this road. They have not the facilities they require. The Flemington Branch is spoken of as one of the roads affording these facilities, while persons who wish to go to New York by that route must first go to Bordentown, and when they reach that point they are just as far from New York as when they were at Flemington, and New York is the place where most of the business of the county is transacted. The Flemington and the Belvidere roads will not carry passengers to Bordentown for nothing, and from that place to New York the fare is one dollar. If the the railroad contemplated by this bill is chartered and built, the fare for the whole distance will not be more than that sum.

If it costs one dollar to go from Flemington to Bordentown, will it not be clearly to the advantage of the people of Hunterdon to have a direct route to New York? The charges for freight by way of Flemington are such as to prevent many people from sending freight by that road. For a basket of peaches from Flemington to New York the charge was twelve cents, while from Millstone the freight was but six cents. On a bag of flour or meal the freight from Flemington was sixteen cents, and from Millstone but seven cents. This was an important consideration, for the larger portion of the products of Hunterdon county sought New York as a market. It would, therefore, be the true policy of the people of Hunterdon county to build this road for their own use. If this is so, and there can be no doubt of it—what valid objections can there be to the passage of this charter, asked for, as it is, by the people directly interested.

If it is true that the Flemington branch road gives to the people of that vicinity all the railroad accommodations they need, why is it that a large number of the most respectable and influential citizens of that town are petitioning for an independent road? I have here a petition, which was not received in time to be presented to the House, and which is numerously signed, asking for the passage of this bill. Among the signers is Robert Fletcher, the sheriff of the county, David VanVliet, the surrogate, and John B. Alleroff, the county clerk, living in the town of Flemington, and within five minutes' walk of the railroad depot. If this branch road does afford the necessary facilities, why do these gentlemen ask for a new road? Why do all the principal citizens of Flemington—the merchants, the men who use the road, ask for this charter? Not only the merchants, but the hotel keepers, and the earthen-ware manufacturers—not a small business at that place—the manufacturers of draining tile, the carpenters and builders, and other persons engaged in business, are all here asking for new facilities for reaching market. Their business requires these increased facilities, and this ought to settle the question in the minds of impartial men, not personally acquainted with the wants of Hunterdon county.

It had been said by the gentleman from Hunterdon (Mr. Denson), that his constituents did not require him to vote for this bill. I do not know whether they



do or not, but if they do not, why are the people of his district here asking for this bill? Why have the people of East Amwell, West Amwell, and the other portions of the district signed petitions for its passage? Some of the citizens of Flemington who ask for this bill are stockholders in the Flemington road, but because that road does not afford the facilities they need, they now ask for an independent road to the New York market.

When such men ask for this road, why should not the legislature grant their request? It is asked for by the people along the route, and if it can be shown that this is not an application from the people directly interested, that would be good ground for supposing that there might be something concealed—something behind the curtain. But the road was asked for by the people, and when they ask for an outlet to market for their products, for the means of improving their land and enhancing its value, thereby increasing the wealth of the county and the state, the legislature should not refuse their requests.

It is not long since the legislature passed a bill to extend the Central Railroad, and other railroad bills had been passed at this session, some of which were, in his mind, objectionable in their character. When these bills were before the House, members declared that they supported them because they were in favor of free railroads, and they, for that reason, passed railroad bills, although they directly infringed on the rights of other companies. This bill conflicts with the rights or privileges of no other company, and it, besides, contains a provision that this company shall pay to the state any damages which may be assessed by reason of any infringement upon the rights or privileges of any other corporation. Why not grant a charter so fair, so honest? Should we refuse such an application because it may, in some indirect manner, interfere with some other company? Has the time arrived when the people of New Jersey are to be refused all railroad facilities except such as the Camden and Amboy Company choose to grant them? Is it fair, is it honest, to say that the people shall be refused the facilities they ask for and need, because it may interfere with the Flemington Branch, or with the company with which it is connected—a company whose road is situated miles distant. The road asked for will not infringe any of the rights of these companies; but the Flemington branch and its connection does not accommodate the people of Hunterdon, and they ask at the hands of the legislature a road which will accommodate them—by which the people of Hunterdon and Somerset can send their produce to market, and can enjoy equal facilities with other parts of the state. Such being the facts, is it not the duty of the legislature to grant the application?

Subsequently Mr. Wood again addressed the House, in reply to a speech from the Speaker, who—as was his usual custom—came down upon the floor to oppose legislation opposed by the Camden and Amboy monopolists.

Mr. Wood contended that the bill under consideration did not, by any fair construction, infringe on any of the privileges granted to the Joint Companies. When those privileges were first granted, although not so well informed upon the question as he should be at this time, he was opposed to the grant of any exclusive privilege to that or any other company. But after the state had pledged its faith to secure to that company certain privileges, he would be the last man to infringe upon or to interfere with their rights. He had also opposed the bill extending the charter of the Camden and Amboy Railroad Company; but as the legislature saw fit to pass that bill, he would not disturb the contract thus made. He would observe every contract made by the state; but this bill to charter a road for the accommodation of the people of Hunterdon and Somerset, could not and did not conflict with the rights of any other company. If this road was built, how, in the name of common sense, could it interfere with the Camden and Amboy road? It would be a mere local road, running from the Delaware to the Millstone, and accommodating the people living along its route. It could not in any sense come within the provisions of the act by which the state agreed not to charter any road to compete with the Camden and Amboy in the business of transporting freight and passengers between Philadelphia and New York. In order to make a through route, by this road, a charter must first be obtained from the Pennsylvania legislature for a road from the Delaware to Philadelphia. And if such a road should be built, it would still be necessary to apply to the legislatures of this state and Pennsylvania, for a bridge over the Delaware. When this was asked for it would



be time enough to raise the question of interference with the rights of the Camden and Amboy Railroad Company.

If these statements are facts, as they unquestionably are, the revenue of the state will not be endangered; but if it was true that the passage of this bill would release the Camden and Amboy company from the payment of transit duties, would not that company be better off? Would it not be to their advantage? Why, then, are they here opposing this bill? Why are they using their whole influence? Why do they even approach members, urging them to vote against this bill? Certainly the legislature never intended, in the grant to the Camden and Amboy Company, to prohibit the passage of such a bill as this—a bill authorizing the construction of a short local road—the construction of a road so greatly needed.

It is true that a charter already exists for the construction of a road from Millstone to Flemington, but that charter requires, that such road shall connect with the Flemington Branch, and through that with the Camden and Amboy road.

The people do not want this, and will not consent to it. They ask for an independent road—and their request should be granted. So long as the rights of no other company are infringed, the people have the right to ask for the local accommodation their business requires, and the legislature should accede to their request.

The bill was defeated by the following vote:

*Yeas*—Abbott, Ayres, Ball Barcroft, Booraem, Brewer, Cooley, Dey, Dobbins, Freeman, Hall, Ivins, Lippincott, Marsh, Mayhew, Mulford, McCracken, Schomp, Shoemaker, Slaight, Starr, Stokes, Teese, Vanhorn, Waldron, Wheeler, Wood—27.

*Nays*—Applegate, Brrowsmith, Banghart, Bennett, Brinkerhoff, Carter, Cole, Condit, Decker, Denson, Drake, Duffield, Graham, Habermayer, Hopper, Horton, Lackerley, McNinney, A. H. Patterson, Peckham, Pope, Reeves, Rusling, Stafford, Tagg, Wills—26.

*Absent or not Voting*—Bond, Crozer, Hale, Larzalere, Mount, J. Patterson, Peckham—7.

Here was another triumph for the monopolists; another road demanded by the people defeated at their dictation; and defeated, in great part, by the very men who a few days before had been loudest in their professions of devotion to Free Legislation, and sternest in their denunciations of all exclusive privileges! But words can add nothing to the deep shame of such a record—cannot deepen the humiliation felt by every friend of honesty and truth.

#### PRINCETON AND TRENTON RAILROAD.

Among the railroads asked for at the last session, was one connecting Princeton with Trenton. Princeton, an important town, and by reason of the educational institutions located there, furnishing a large number of passengers to the Camden and Amboy branch road, is situated at a distance of more than a mile from the nearest station on that road. This is felt as an inconvenience, but one that can be submitted to. But the company had, several months before, surveyed a new route from Trenton to Dean's Pond, and had not only negotiated for the right of way, but had actually commenced, at Trenton, the work of its construction. This new route will leave Princeton distant some four miles from the nearest railroad, not only causing great inconvenience to its citizens, but by rendering the communication difficult, seriously interfering with the prosperity of the college and schools—a matter of great importance to the people of that town.

This state of things led the people of Princeton to look around for other means of reaching the "outer world:" a public meeting was called by numerous influential citizens, and was largely attended by the most substantial citizens of Princeton and the adjacent country. After full deliberation, it was resolved to apply for two roads: one from Trenton to Princeton, and one from Princeton to a point on



the Camden and Amboy road, at or near Dean's Pond. This, it was thought, would meet with no opposition from the Monopoly; for while it would accommodate the people of Princeton much better than ever before, it would still give the greater portion of the travel to the Camden and Amboy road. The result showed that they had underestimated the greediness and insolence of these monopolists!

Petitions were circulated and numerous signed. These were presented to the Assembly by Mr. Abbott (the representative for that district), and others, and up to a late period everything appeared to promise success for both bills. For the present, however, we will only state the proceedings on the Princeton and Trenton bill, leaving the other for a subsequent page.

Notice having been previously given, on the 8th of February Mr. Abbott introduced the act to incorporate the Princeton and Trenton Railroad. It was referred and went through the several preliminary forms, but as there was no visible opposition, we will not occupy space by following it through every stage, but come at once to the final action. In the Assembly the bill met with no opposition. This may, perhaps, surprise some people, but the explanation is easy enough: the Hoboken bill had not yet passed, and some friends of the Princeton and Trenton were also willing to vote for the Hoboken; therefore, no opposition was made to the former until the latter was out of danger. The bill finally passed the House, by a vote of thirty-nine to one, and was sent to the Senate on the first day of March.

In the Senate another fate awaited it. The Hoboken bill had passed—Number Ten felt strong enough to defeat *all* the local roads, and the friends of the Princeton and Trenton were now made to feel that they were to form no exception to the general rule. On Tuesday morning (March 9th), there was laid upon the desks of members of the Senate and Assembly a "Memorial," signed by James S. Green, on behalf of the Executive Committee of the Camden and Amboy Railroad and Delaware and Raritan Canal Companies, protesting against the passage of any charter for a railroad from Trenton to Princeton, or from Princeton to Dean's Pond or any other point. Anything so arrogant and insolent as this "Memorial" it would be difficult to find among those presented to the legislature, from the first Provincial Assembly to this day. It commenced by saying that the Joint Companies had learned *with surprise* that the House had passed a bill for a railroad (from Princeton to Trenton), without their consent, and ended with the usual threat of withholding the transit duties if it became a law. It is not worth our while either to copy this production, or to expose its sophistry—it had the effect intended—it furnished an excuse for the defeat of the bill. We recommend, however, to any of our readers who may wish to secure a literary and legislative curiosity, to procure a copy of this memorial for preservation.

In the Senate, when the proper time arrived, the bill was disposed of in the easiest and quickest possible manner. On reaching that body, on the 2d of March it was referred to the Committee on Corporations. In their hands it remained until the 16th. On that day Mr. Campbell, from the Committee, reported the bill with the recommendation that it should not pass. The report was of some length setting forth the number of trains then running between Princeton and Trenton, the fares, &c., but singularly enough saying nothing whatever about the removal of the road four miles from Princeton, and proposing no provision for the accommodation of the people of Princeton after such a change. The report was read and accepted by the Senate, thus disposing of the bill finally, so far as that legislature was concerned.



## PRINCETON AND SOUTH BRUNSWICK RAILROAD.

The object of this proposed road, as has been already stated, was to connect Princeton with the Camden and Amboy road at or near Dean's Pond; giving, in connection with the Princeton and Trenton road, the means of traveling in either direction, as well after the removal of the present track, as at the present time.

It was introduced by Mr. Abbott shortly after the introduction of the Princeton and Trenton bill, and went through the usual preliminary steps without opposition. On Tuesday, the 26th of March, the bill was called up, and Mr. Drake moved that it be recommitted.

Mr. Abbott said that he could not see that there was any reason for this course. The bill was a fair one, and he should wish to have the House vote directly upon it.

The motion to recommit was lost—15 to 29.

Mr. Abbott advocated the bill. It was asked for by the people of Princeton, and was necessary for their accommodation. It was intended to connect with the Trenton and New Brunswick road, in order that the people of that village might have facilities for reaching New York or Philadelphia, after the track of the present road was removed. He would not enter into the question of exclusive rights or privileges, further than to state the fact—the courts were the proper places for deciding these questions. He had voted for granting railroads wherever needed, without regard to the wishes of the Camden and Amboy or any other company, and he hoped that this bill would meet with a favorable consideration at the hands of the members of the House.

The bill was lost, as follows:

*Yeas*—Abbott, Applegate, Ayres, Ball, Barcroft, Booraem, Brewer, Cole, Dey, Dobbins, Freeman, Hall, Hopper, Ivins, Lippincott, Mackerley, Marsh, Mayhew, Mulford, McCracken, Rusling, Schomp, Slaight, Starr, Stokes, Teese, Waldron, Wheeler, Wood—29.

*Nays*—Arrowsmith, Baughart, Bennett, Brinkerhoff, Condit, Decker, Drake, Duffield, Graham, Horton, Larzalere, McNinney, Pope, Reeves, Shoemaker, Stafford, Stagg, Wills—18. Absent, 13.

It is curious to consider the action upon these two Princeton bills. The Princeton and Trenton, taken up and passed by the House before the Hoboken bill was out of danger, met with no opposition, and was passed almost unanimously. The second, coming up after the Hoboken bill was passed, was opposed by Number Ten and defeated! The bills were similar in their provisions—if one was wrong or inexpedient, so must have been the other; yet one receives thirty-nine and the other but twenty-nine votes; only one member votes against the first, while eighteen record their votes against the second, and thirteen absent!

In the Senate, too, the Princeton and Trenton bill remains in the hands of the committee until the Hoboken bill is safe, and is then strangled without even coming to a vote. Is not the overshadowing influence of the monopoly visible in all this? They simply refrain from opposing a bill, and it passes unanimously; they send in a memorial demanding that it shall not pass, and it is defeated! Who then makes our laws? who decides who shall have railroads and who shall not? the legislature or the Joint Board of the Joint Monopoly Companies? Is it not too plain that it is the latter!

But the spirit of the people of Princeton is not quelled. Like the people of Burlington and Middlesex, of Hunterdon and Somerset, they mean to fight this quarrel to the bitter end. Shortly after the defeat of their bills, large meetings were held, and it was resolved to persevere, and not to give up the contest until their just demands were conceded to them. They will be found standing firm against the mo-



nopolists, and we trust and believe that they will be sustained by the independent people of most of the other counties, if not all of them. The reign of the monopoly draws rapidly to a close. All that is necessary is that the people should see to it that their representatives represent them correctly on this great point. Let that be done, and the next legislature will not adjourn without passing such railroad charters as are needed to develop the resources of the state, and thus inaugurate the long-hoped-for era of *Free Legislation for Railroads*.

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SAFETY ON RAILROADS—DOUBLE TRACKS—EVASION OF OBLIGATIONS BY THE CAMDEN AND AMBOY COMPANY.

The bills to charter railroads were disposed of as already related, but these did not include all the proceedings in relation to railroads. The Camden and Amboy Company, the managers of which had made themselves so conspicuous during the session, by their opposition to all railroad applications except those emanating from themselves or their friends and associates, was yet to be brought to an account. That corporation had so often lectured the legislature on the rights of the company and the duty of the state, that some legislators were anxious to ascertain whether the state had not some rights, and whether the company performed its duty. Among these was Mr. Wood, of Somerset, who, late in the session, offered a preamble and resolution which had for its object the investigation of this subject, with a view of compelling the monopoly to perform its duty, and regard its "plighted faith." As a proper introduction to this resolution, we publish the following article, which we extract from the *New Brunswick Fredonian*, where it appeared under date of December 10:

The Camden and Amboy Railroad Company seem to be intent on great deeds, if their large stockholders, the *Philadelphia Ledger*, are in their secrets. They mean to force the New Jersey Railroad into a continuance of their present contract, or order their legislature to extend their road from New Brunswick to New York. The Camden and Amboy Railroad has had its line perfected by the energy and ample equipments of the New Jersey Railroad between New Brunswick and New York, now complete with a heavy double track, and running thirty or forty miles an hour, furnishing depot and ferry accommodations at Jersey City and New York unrivaled in the country and honorable to New Jersey, while the one track railroad of the Camden and Amboy Road still drags on, like a horse with only two legs, and its important branch curving its way on the narrow tow-path of their great canal between Trenton and New Brunswick, where accidents have happened, and may happen, exposing passengers to a watery grave.

The people of New Jersey are either a forbearing race, or they are dead under monopoly despotism, to endure for more than a quarter of a century these oppressive and disreputable acts, inflicted by a company that has made larger dividends in proportion to their scanty outlay in single tracks, shanty depots, rickety steamers, and some one or two miserable approaches, over two or three boats to the wharf at Philadelphia, than any other investments in the nation. It is true the dividends have been mainly derived from the Bonds of the Joint Companies, now swelling to nearly nine millions of dollars, and stock dividends and cash stock of only a little over three millions.

These bonds and stocks have been issued for extra dividends, and unproductive branch roads, still the current income to stockholders has in this way been made very great, but accumulating a fearful burden of bonds to be represented by such frail and inferior property.

But the great and just complaints of the public consist in the want of comfortable and decent accommodations, and of proper speed and facilities on their road; and New Jersey owes it to her people, and her fellow citizens of the whole nation, who are compelled to pass over her territory to furnish a complete line at fair



ices, and with the expedition and comfort due to the large revenue her corporations and herself are receiving from their public works.

We cannot but believe, if one or more independent, high-minded patriotic men of New Jersey, and we claim there are many such, would rise superior to the thralldom exercised by the Camden and Amboy monopoly—in elections, in the appointment of the Judiciary, Executive, Legislative and State Officers, and the general distribution by them of the state spoils—and demand an improvement commensurate with obvious duty, and decent respect for enormous state favors in their franchise and exclusive privileges, which they have wrested from the legislature of New Jersey; that a state distinguished for her gallant deeds in the revolution could yet be redeemed from the odium and pernicious and contracted counsels of monopoly misrule, and a system of double track railroads be extended at least between the great cities of Philadelphia and New York, now most disreputably withheld by the cupidity if not poverty of the Camden and Amboy Railroad, that extra dividends in stock and bonds may be made to large and needy stockholders.

It is especially to be brought to the attention of the people and legislature of New Jersey, that while some time since the citizens of New Brunswick celebrated with a congratulatory festival the completion of the double track between New Brunswick and New York by the New Jersey Railroad Company, no movement is yet made by the Camden and Amboy Company to construct their double track, which their duty to the state and the great traveling public imperiously demands, at the obligations of law exact it from them, as will be seen from the following extract from a supplement to their charter passed at their request by the legislature of New Jersey, in March, 1857.

This supplement, which appears to be prepared and passed by companies themselves, is as follows;

“WHEREAS, the demand for increased facilities for travel and transportation on the Delaware and Raritan Canal and the Camden and Amboy Railroad render it expedient to construct *as early as possible a double track* between Trenton and New Brunswick, and also boats, wharves, and other works, &c., &c.,

*Be it enacted* by the Senate and General Assembly of the State of New Jersey, that the capital stock of the Canal Company and the Camden and Amboy Railroad Company be, and the same is hereby increased any number of shares not exceeding fifteen thousand of \$100 each. (\$1,500,000,) &c., and the directors are authorized from time to time to issue said stocks as they may deem most expedient for the interests of the stockholders.”

Now the people of New Jersey and the public at large will be surprised to learn, that instead of making *as early as possible a double track*, the Camden and Amboy company *as early as possible* declared an extra dividend of a large portion of this stock to themselves, and put it in the money market for their private account, or expend it in elections, or in controlling the legislature. Though the authority was given to create the capital for the *double track*, represented to be “*demanded or increased facilities as early as possible*,” by the passage of the supplemental law, March 19th, 1857, now approaching three years, yet they have failed to fulfil this plain obligation and engagement, and to perform a clear duty demanded of them by the grant of their franchises, in virtue of which they exist as a corporation, and which it is indispensably necessary for them to perform, or their chartered rights will be forfeited and their grants from the state of New Jersey become void.

Cannot the patriot sons of New Jersey, especially those commencing their manhood, arouse the people and the tribunals of their noble commonwealth, and for the foregoing and other flagrant violations of their corporate franchises (which are already treasured up and recorded and will be made public at the opportune time,) emancipate New Jersey from her ignoble bondage to a soulless and tyrannical corporation, and restore freedom to her legislative, judicial and executive departments through that benignant restorative of the people's rights and truly democratic spirit of

QUO WARRANTO.

This communication will serve to show that the public attention had been directed to the violation of their “plighted faith” by the Camden and Amboy Company, and that a remedy was demanded at the hands of the legislature. This remedy Mr. Wood proposed to furnish through the following preamble and resolution:



WHEREAS, By a supplement to the act entitled "An act relative to the Delaware and Raritan Canal and the Camden and Amboy Railroad and Transportation Companies," approved March 16, 1854, it was declared in the preamble to said act that "to increase the rapidity and safety of traveling upon said railroads," the same should be made as straight as practicable, and for this purpose in the third section of said act provision was made for the Joint Companies to alter the route of their railroads, so as to reduce the curves as much as a due regard to the situation of the ground on which the same may pass, will admit of;

AND WHEREAS, By a further supplement to the acts incorporating said companies, approved March 19, 1857, the following preamble and provisions were, among other things, enacted, viz:

"WHEREAS, The demand for increased facilities for travel and transportation on the Delaware and Raritan Canal and the Camden and Amboy Railroad, render it expedient to construct as early as possible a double track between Trenton and New Brunswick, and also, boats, wharves, and other works, &c., &c:

"*Be it enacted*, By the Senate and General Assembly of the state of New Jersey, that the capital stock of the Del D Rar. Canal Company and the C. & A. Railroad Company be, and the same is hereby increased any number of shares not exceeding fifteen thousand, of one hundred dollars each, (\$1,500,000), &c., and the directors are authorized from time to time to issue said stock as they may deem most expedient for the interest of the stockholders."

AND WHEREAS, Though more than six years have elapsed since the passage of the first mentioned act, and more than three years since the last act referred to, yet the said Joint Companies have not increased the rapidity and safety of traveling upon the said railroads, or made the same as straight as practicable, by reducing the curves; nor have they applied the capital authorized to the construction of a double track between Trenton and New Brunswick, but on the contrary have neglected to do so, and have diverted a considerable portion of the said capital stock from the purposes for which it was created to an extra dividend among the stockholders, and have failed to comply with the provisions and requirements of the aforesaid acts. Now therefore,

*Be it Resolved*, That the Attorney General be directed to institute such proceedings as shall be legal and proper to the examination of the aforesaid alleged delinquencies of the Joint Companies, and to adopt such remedies as he may think proper to redress any wrongs which the state of New Jersey may have suffered therefrom.

This preamble and resolution were introduced at the morning session on the last day of the session (March 22d). Mr. Wood, in offering them, stated generally the object which they were intended to accomplish, and moved their adoption.

Mr. Crozer moved to lay the preamble and resolution on the table. Lost—1 to 17.

Mr. Slight said he trusted the resolution would be adopted. It was entirely proper in its character—and he thought there could be no valid objection to it.

Mr. Graham said that the evident intent of these resolutions was to create difficulty between the state and the Joint Companies, and for that reason he hoped the House would not adopt them.

Mr. Pope thought that the resolutions were introduced to make trouble. The spoke of double tracks, now he had never seen a road with a double track through out.

Mr. Wood said that these resolutions were perfectly fair and clear in their intent: they set forth the contract entered into by the companies and the state, and direct the Attorney General to require the fulfilment of that contract. If a company bind itself to do certain things, and fail to do them, it is the duty of the representatives of the people to call the attention of the public to the fact, and compel the fulfilment of the contract. Why is it not proper to look into this business? If gentlemen wish the Joint Companies to discharge their duty to the state, why do they oppose this resolution? It is honorable and fair, and it is the duty of the House to make an inquiry into this matter.



Mr. Mulford said that he wished to vote upon this resolution, and vote upon it understandingly, and in order that the members might have time to consider the subject, he moved that it be postponed until afternoon. Agreed to—30 to 20.

The supporters of the resolution did not make any objection to the postponement, as there would yet be time to act upon the subject in both Houses; but they did not come up again. There were many bills on the calendar to be disposed of, and, as usual during the last hours of the session, there was much hurry and some confusion. In short, it was quite apparent that there could be no hope of the passage of the resolution through both houses, and it, together with the bill to charter a railroad from New Brunswick to the Morris and Essex Railroad near Newark, was suffered to lay over without further action.

Of course the Camden and Amboy company have taken no steps towards fulfilling their implied promises, and of course they will not until they are compelled, either by the strong arm of the law, or by an unanimous public opinion, such as when they cannot brave with impunity. This preamble and resolution will, therefore, be equally apropos at the next session, when we trust it will be introduced and urged to a passage. Let the legislature discharge its duty in this matter, and the public may rest assured that it will be probed to the bottom. We have now fortunately an Attorney General in whose hands a writ of *quo warranto* will not be an idle weapon. His character and his high reputation, as well as his genius and attainments offer a sure guarantee that in his hands not only the Joint Companies but the state will receive equal and exact justice.

Having completed our narrative of the Railroad Legislation of the last legislature, presenting it to the public in a connected form, so that they can estimate properly, and can see how far their representatives have fairly represented their views, and how far they have betrayed their wishes and interests, we have little more to say of the men who composed that body. That some who were elected as anti-Monopoly men, yielded to the "peculiar influence" wielded by the "Barons of Number Ten," we all know; that there were corrupt appliances used there is little or no doubt; and that the Camden and Amboy Company possessed and used the power to defeat or pass bills, admits of no dispute. But of these things we will say nothing further here, but conclude this legislative history with a letter from the correspondent of the Newark *Mercury*, showing the final disposition of the resolutions of Mr. Wood, and the manœuvres of the friends of the New Brunswick and Millburn bill. It also presents a partial picture of the scenes of a "last night of the session":

## NEW JERSEY LEGISLATURE—CLOSING SCENES.

TRENTON, March 22.

The last hours of the session were in perfect keeping with the character of the controlling powers of the legislature, intensified by more than the usual amount of internal excitements. The commotions of the previous two or three days, the anxiety and chagrin of the Camden and Amboy monopolists and their confederates, were great at the foreshadowed defeat of their project, the New Brunswick and Millburn road, (twin brother to that of Hoboken.) The resolution directing the Attorney-General to institute legal proceedings against the Joint Companies for not complying with law, by making the double track, straightening their curves, and increasing the rapidity and safety of their trains, for which they had received large considerations from the state, and the general indignation of the friends of the people's railroads, which had been defeated in the Assembly by only two votes; these, with the usual incidents and schemes of lesser magnitude involved the closing scenes of the House in great commotion. Two gentlemen who left the Assembly



room about 10 o'clock at night, remarked that there had never been such a House before, at Trenton, all things being in keeping with the midnight orgies and the favorite song of the controlling powers, closing most uproariously and truthfully with the appropriate chorus:

"We are all a band of robbers,  
We are all a band of robbers,  
From the Camden and Amboy State."

The greatest convulsion was produced on the morning of the last day, by Mr. Wood's resolutions. This recited the acts of the legislature of 1854 and 1855, showing that for enormous privileges granted, and a large increase of capital, the Joint Companies agreed to make a complete double track, straighten their roads and increase the rapidity and safety of their trains—none of which had been done though six years had elapsed. But on the contrary, the capital had been in part diverted for extra dividends, and for other unlawful purposes, and in view of the delinquencies directing the Attorney-General to institute legal proceedings, looking to the remedy of the *quo warranto*.

The efforts of the last three days to raise the votes for the New Brunswick and Millburn Bill above twenty-eight, three less than was necessary for its passage, were once paralyzed by the above resolution, and Mr. Wood was entreated not to call it in the afternoon, with the assurance that the Millburn bill would not be moved. The entreaty was renewed several times, the parties, however, with their usual politeness, striving most inordinately but clandestinely to procure the three more votes necessary.

But the night session came on, and soon became a scene of undisguised revelry. Little business, save the passage of the Incidental bill, and another giving to the Chancellor the duties authorized to be performed by the Chief Justice by acts of incorporation, when the office of the latter should be vacant, and other minor bills—the House being evidently in a condition to do nothing gravely, many straggling through the lobbies, and the adjoining rooms. Some, peacefully disposed, had gone home to bed, and others were making their couches on the sofas outside the bar. Yet the wheels of legislation were clumsily rolling on, and the magnates of the Millburn bill seeking to force its passage, up to nearly twelve o'clock at midnight, their number (twenty-eight) however becoming "small by degrees and beautifully less," until at length the adjournment came, and this pet monopoly project with the resolution preparing for the *quo warranto* against the Joint Companies both died with the expiring hour of the session, unless by the interposition of the court the *quo warranto* proceedings, including charges for taking excessive fare should be brought into active operation at an earlier day.

The following is the view taken of the resolution referred to in the letter from Trenton.

*From the State Gazette and Republican.*

THE CAMDEN AND AMBOY RAILROAD.—Mr. Wood, of Somerset, yesterday introduced in the Assembly the preamble and resolutions below. They are so clear and plain as to need scarcely any explanation. It will be remembered by most of our readers that when the extension bill was introduced in the legislature of 1854, the argument advanced in its favor was that the company desired to improve their works by straightening their roads, constructing a double track, &c., and that they did not feel warranted in doing so, unless the duration of their charter could be extended, and under this plea the bill was passed. Six years have since elapsed and no improvements have been made—the roads of the company being now in the same, or in a worse condition than they were in 1854. Mr. Wood's resolution was intended to compel the fulfilment of their promises on the part of the company. The disposition made of them will be seen by referring to the legislative report.



## CONCLUSION.

### EVILS OF MONOPOLY.

The events of the foregoing narrative cannot fail to impress the reflecting reader that a great future is opening in New Jersey, to be marked with most favorable effects in advancing her freedom, equality and true prosperity.

The extraordinary influences employed in endeavoring to corrupt politicians, professional men, the press, lobbyists, the legislature, and it is feared also threatening to contaminate every institution of government, cannot fail to alarm the great body of our citizens, who have no other motive than to promote public virtue and the general welfare, and advance an enlarged system of internal improvements, which shall secure the true interests and develop the resources of our whole state. The Declaration of our National Independence enunciates as its first fundamental truth, that "all men are created equal." The Constitution of the United States in affirmation declares that it is ordained by the people, in order, among other great ends, "to establish justice, promote the general welfare and secure the blessings of liberty to ourselves and posterity."

Our State Constitution ordains in Article 1, the rights and privileges of the people, and in the *first* paragraph declares that "all men are by nature free and independent, and have certain natural and inalienable rights, among which are those of enjoying and defending life and *liberty, acquiring, possessing and protecting property*, and of pursuing and obtaining safety and happiness."

In the 2d, "All political power is inherent in the people. Government is instituted for the protection, security and benefit of the people," &c.

These great elementary rights and privileges, so carefully secured by our National and State Constitutions are theoretically and practically nullified by the creation of a great privileged monied aristocracy. Having monopoly privileges in abrogation of the Constitutional rights of the people, by their corrupt control of legislation, and seductive ramifications of power, they are not only depriving the people of their just and equal participation in the franchises, privileges and improvements to which they are rightfully entitled by legislative grants, but by extensions of their monopoly system are striving to stifle free legislation, and forge new bonds to bind the people of New Jersey in subserviency to their power and misrule.

The transactions of the last session of the legislature, and the corrupt control exercised by the great monied monopoly over the previous elections and legislation of the state; their interference with and regulation of official appointments; their attempts to subsidize every interest to their uses; and consolidate every railroad corporation for their benefit, are incontestably established by the review of the past.

The map of New Jersey illustrates the destitution and oppression to which the largest part of the State has been subjected by this tyrannical power, and a review of the monopoly policy abundantly establishes its wanton disregard of the obligations of its own laws, and its usurpations of the rights and privileges of the people.

To this map and to this history, together with the following partial list of the grievances suffered by the people at the hands of this Monopoly, our fellow citizens are for the present referred, until a more specific and extended catalogue of wrongs are given.

We present here, in the briefest possible form, a few of the evils alluded to above:

I. The pretension of the Camden and Amboy Railroad Company, that their act



of incorporation, which merely authorized the construction of their road created for them a right to prevent the establishment of railroads in any other part of the state.

II. Their offensive memorials to the legislature and the public, forbidding legislation for local roads for the people, and expressing *their surprise* and disapprobation that the legislature should act without first obtaining the consent of the Joint Companies.

III. Their insistent that the words *competing in business* with them refers to local as well as through roads, while by their own act of 1854, the true intent and meaning of these words is declared to be *the business between New York and Philadelphia*.

IV. The deception so long practised upon the counties of Burlington and Camden, by not fulfilling their promises and the clear intent of their charter, by building their road through the interior of those counties according to their first survey, declaring, as they did thereby their intention to make a "Back-bone road for New Jersey," while, on the contrary, they placed it on the banks of the Delaware, thus giving to the people of those counties but little greater facilities than they previously possessed.

V. Their purchase and operation—without authority of law—of the Philadelphia and Trenton Railroad.

VI. Their making this purchase the ground for violating the law restricting their fare to three dollars for through passengers, and illegally charging four dollars, which rate they continued for several years, and until compelled by the loud cries of the public, and the threatened use of the *quo warranto*, to return to the legal rate of three dollars, as fixed by their charter.

VII. Their unlawful and excessive charges for the transportation of freight, through the fraudulent devise of the "Napoleon Company," and in other ways. These charges and devices were condemned by the courts of New Jersey, and the company compelled to disgorge hundreds of thousands of dollars in repayment to those upon whom they had practiced these exactions.

VIII. Their persistent disregard of the acts supplemental to their charter, by not constructing a double track or straightening their roads, for which purposes a large increase of capital and important privileges were granted as a consideration for their so doing.

IX. Their devises, by contracts with other companies, to evade the restriction of the fare on half their lines to two and a half cents per mile, and receiving about five cents, or double the amount allowed by the supplement of 1854—a supplement passed at their own request.

X. Their high charges for passengers generally and their slow rate of speed; being often subject to long delays on turn-outs by reason of their having but a single track; often taking nearly five hours to run from New York to Philadelphia, when little more than three hours are required.

XI. Their usurpation of all the powers of the government, and depriving the people of free legislation, by endeavoring to control the election of legislative and executive officers, and by influencing or corrupting legislators to pass odious and oppressive laws, and to refuse grants of great public necessity, though urged by the people of important sections of the state.

XII. The suborning of lawyers, editors, politicians, and retainers of every kind, to manage and regulate primary meetings and nominating conventions, and the employment of large sums of money to influence elections, thus corrupting our system of popular government, and substituting a Money Oligarchy, composed of the men who are continually striving to perpetuate their despotic powers, and to crush out every element of equality and freedom in our government of the people.

XIII. The numerous establishments of Free Head Quarters for dissipation, maintained by them at Trenton, to seduce unwary victims, and corrupting their consciences and morals by subjecting them (members and others) to temptations too great for human nature to resist.

XIV. In fine, their evident tendency and purpose to revolutionize every principle of free governments, and utterly to disregard their fundamental provisions, as well as the rights and privileges of the people as contained in the Declaration of Independence, and both our National and State Constitutions.

For these offences, among others; we arraign this Monster Monopoly before the Sovereign People of New Jersey.